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1797
 1797
 Horatio Meddham

Acts & Laws

OF THE

State of Vermont.

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One Volume

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Bound for: Horatio Meddham = Jan'y 4-1853

ACTS AND LAWS,

Passed by the

LEGISLATURE

of the
Hon. J. Nelson
State of Vermont,

at their

SESSION AT WINDSOR,

OCTOBER,

One Thousand Seven Hundred and Ninety-seven.

Published by Authority.

PRINTED AT RUTLAND, BY JOSIAH FAY,
FOR THE HON. LEGISLATURE.

-M,DCC,XCVII.



LAWS OF VERMONT.

An ACT, assessing a tax of one cent on each acre of land in this state, for the support of government, during the year one thousand seven hundred and ninety-seven, and for other purposes.

I. *It is hereby enacted by the General Assembly of the state of Vermont, That there be, and hereby is assessed a tax of one cent on each acre of land, within this state, (excepting lands sequestered to public, pious, or charitable uses) to be collected and paid into the treasury of this state, on or before the first day of June, in the year of our Lord one thousand seven hundred and ninety eight, in specie, hard money orders, or orders issued by the judges or clerks of the supreme court of judicature*

Tax of one cent on each acre of land in the state, except public lands, &c.

To be paid to the Treasurer, by the first of June, 1798.

II. *And it is hereby further enacted, That the surveyor general of this state, be, and he hereby is directed, under his oath of office, to ascertain and return to the treasurer of this state, a statement of the quantity of land actually contained in each town or gore of land within this state, agreeably to their original grants or charters, on or before the first day of January next.*

Surveyor general to make returns to the treasurer of the quantity of land in each town, &c.

III. *And it is hereby further enacted, That the treasurer of this state, be, and he is hereby directed, between the first day of January, and the first day of February next, to issue his warrants to the first constables of each*

Treasurer to issue warrants to the first constables, between the

first of January,
and first of Feb-
ruary.

and every of the towns herein after enumerated, directing and requiring the said first constables, respectively, to collect the said tax, on their respective towns, agreeably to the aforefaid return of the surveyor general. The names of which towns are as follows, to wit :

Constables to
be the collector
of towns in Ben-
nington county.

In Bennington County,

Stamford, Pownal, Bennington, Reedsborough, Woodford, Shaftsbury, Arlington, Sandgate, Sunderland, Manchester, Dorset, Reuport, and Winhall.

In Windham
county.

In Windham county,

Hinsdale, Guilford, Brattleborough, Dummerston, Putney, Westminster, Rockingham, Grafton, Athens, Townshend, Newfane, Marlborough, Halifax, Whitingham, Wilmington, Wardsborough North District, Wardsborough South District, Jamaica, Londonderry, Somerset, and Stratton.

In Rutland
county.

In Rutland County,

Orwell, Benson, Fairhaven, Poultney, Wells, Pawlet, Danby, Harwich, Mountholly, (formerly Jackson's Gore) Shrewsbury, Clarendon, Tinmouth, Ira, Castleton, Hubbardton, Pittsford, Rutland, Killington, Brandon, Pittsfield, Sudbury, and Wallingford.

In Windsor
county.

In Windsor County,

Andover, Bridgwater, Bernard, Bethel, Chester, Cavendish, Hartford, Hartland, Ludlow, Norwich, Pomfret, Reading, Rochester, Royalton, Stockbridge, Springfield, Plymouth, (late Saltsb.) Sharon, Windsor, Woodstock, and Weathersfield.

In Addison
county.

In Addison County,

Middlebury, Salisbury, Leicester, Whiting, Cornwall, Weybridge, Shoreham, Brid-

LAWS OF VERMONT.

5

port, Addison, Panton, Ferrisburgh, Monkton, Newhaven, Bristol, Starksborough, Hancock, and Kingston.

In Orange County,

Braintree, Bradford, Brookfield, Barre, Berlin, Thetford, Strafford, Tunbridge, Randolph, Fairlee, Vershire, Chelsea, Roxbury, Corinth, Washington, Williamstown, Northfield, Newbury, Topsham, and Orange.

In Orange county.

In Chittenden County,

Burlington, Shelburne, Charlotte, Hinesburgh, Williston, Huntington, (late New-Huntington) Duxbury, Moretown, Waitsfield, Colchester, Essex, Jericho, Bolton, Waterbury, Middlesex, Milton, Westford, Underhill, South-Hero, and Stowe.

In Chittenden county.

In Caledonia County,

Ryegate, Barnet, Peacham, Danville, (and that part of Danville known by the name of Walden Gore,) Waterford, (late Littleton) Groton, St. Johnsbury, Lyndon, Billymead, Hardwick, Walden, Cabot, Montpelier, Calais, Sheffield, Concord, Lunenburg, Guildhall, Maidstone, Brunswick, Greensborough, Graftsbury, Derby, Plainfield, (late St. Andrew's Gore) and Canaan.

In Caledonia county.

In Franklin County,

Georgia, St. Albans, Swanton, Highgate, Huntburgh, Berkshire, Sheldon, Fairfield, Fairfax, Cambridge, Johnson, Hydespark, Wolcott, Elmore, North-Hero, Alburgh, Isle of Mott, and Fletcher.

In Franklin county.

IV. *And it is hereby further enacted,* That each and every of the first constables of the aforesaid towns, shall, within ten days next after the receipt of the abovementioned warrants, apply to the selectmen of their respective towns, who shall, within ten days

Constables to apply to selectmen for rate bills.

Selectmen to
make rate bills.

Selectmen to
make an esti-
mate of undiv-
ided lands.

Collector to
endorse on his
rate bill the tax-
es paid and by
whom.

Redemption
granted.

after such application to them made, as a-
foresaid, make out and deliver to such
constable a rate bill, containing a list of all
the lands in such town, held in severalty,
(agreeably to the actual limits of their res-
pective grants or charters) and the number
of acres contained in each lot, and the divi-
sion to which it was drawn or pitched,
and the tax to be paid thereon, except in
cases where they cannot ascertain the
original proprietor or division, in those cases,
it shall be set in the bill to the present own-
er—And where there are undivided lands in
such town, the said selectmen, shall make out
an estimate of the quantity of such undivided
lands, to the best of their judgment,
and insert the same in said rate bill, agree-
ably to the true intent and meaning of this
act.

V. *And it is hereby further enacted,* That
when any original proprietor or land owner,
shall pay his proportion of said tax, or any
part thereof, it shall be the duty of said con-
stable to make an endorsement on his rate
bill, of the name of the person paying the
same, and receipt the same, if required; and
all lands on which the tax aforesaid shall be
so paid, shall be thereupon discharged from
said tax.

VI. *And it is hereby further enacted,* That
if the sums so assessed as aforesaid, or any
part thereof, shall remain unpaid, on the
first day of April, in the year one thousand
seven hundred and ninety eight, such con-
stable shall give notice by posting up an ad-
vertisement, at the accustomed place or pla-
ces of advertising freemen's meetings, in
their respective towns, of the tenor follow-
ing, to wit,

“THE proprietors and landowners of the town of _____ are hereby notified and warned, that unless they pay the tax of one cent on each acre of land granted by the Legislature of this state, at their October session in Windsor, A. D. one thousand seven hundred and ninety-seven, to me the subscriber, on or before the _____ day of _____ next, that so much of their lands, as will pay said tax and cost, will be sold at public vendue, at in said town of _____ at _____ o'clock, noon, to the highest bidder. Dated at, &c.

Form of advertisement.

Collector.

Which said advertisement shall be posted up as aforesaid, three weeks before the time therein appointed, for the sale of the lands therein mentioned; and the time so to be appointed and mentioned in said advertisement, shall be on some day between the first day of May, and the last day of July, in the year one thousand seven hundred and ninety eight. And the said first constables are hereby authorized and directed, in pursuance of said advertisement, to proceed to sell at public vendue, so much of each delinquent's land, as will pay said tax, and the costs thereon arising, and deed the same to the purchaser, as is herein after directed.

Advertisements to be posted up 3 weeks before sale.

Sale to be between the first of May, and last July.

VII. *And it is hereby further enacted,* That the treasurer of this state, be, and he is hereby directed, to issue his warrants to the sheriffs of the several counties in this state, on or before the first day of February, one thousand seven hundred and ninety eight, authorizing and directing them to collect the said tax on all the lands in the several towns or gores, in their respective counties, not herein before mentioned and named, upon the receipt of which warrants, the said sheriffs shall immedi-

Treasurer to issue warrants to the Sheriffs to collect tax on unorganized towns.

Sheriffs to
apply to the se-
cretary of this
state or of coun-
cil for a list of
names.

ately apply to the secretary of this state, or the secretary of the governor and council, for a list of the names of the proprietors in each of such towns or gores, whose duty it shall be to forward the same to the said sheriffs, respectively, as soon as may be—and on receiving the same, the said sheriffs shall assess said tax upon the lands, in such towns and gores—And upon default of the said tax being paid, as is herein before directed, shall proceed to notify the proprietors and land owners of such towns and gores, respectively, by publishing an advertisement, in which shall be specified the names of all the several towns and gores of land, upon which the tax has not been paid, of the tenor herein before directed, for a constable, three weeks successively, in the newspapers printed in Bennington, Rutland, and Windsor, the day of the last publication of which, shall be at least ten days before the day therein appointed for the sale of said lands.

Sheriff to ad-
vertise.

Sheriff to sell
delinquent's land
at public ven-
due.

VIII. *And it is hereby further enacted*, That the said sheriff, shall, in pursuance of such advertisement, proceed to sell at public vendue, so much of such delinquent's lands, as shall pay said tax, and cost, and shall deed the same as is herein after directed.

5 acres to be
deducted out of
each 100 for
high way.

Provided always, That the selectmen and sheriffs, in assessing the said tax, shall allow for highways, out of each proprietor, or land-owner's share, or lot, in the proportion of five acres to each hundred acres.

Redemption,
granted.

IX. *And it is hereby further enacted*, That if any person or persons, shall, within twelve months from and after the day of such sale, pay, or tender to the said collector, such tax, together with the costs of such sale, and interest

upon the same, at the rate of twelve per cent. per annum, his, her, or their lands, shall, thereupon, be discharged, and redeemed from such sale—And the said collector, or collectors, in such case, or cases, shall pay over to the purchaser, or purchasers of such lands, the monies so by him or them received, for the redemption thereof, as aforesaid—And all redemptions shall be made before the setting of the sun, on the day on which the lands are made redeemable.

Time of redemption.

X. *And it is hereby further enacted,* That if such lands, so sold as aforesaid, shall not be redeemed and discharged from said tax, within one year, from and after the day of the sale thereon, the said collector or collectors, shall execute and deliver, to the purchaser or purchasers, a deed or deeds of the lands so by him, her, or them purchased as aforesaid, conveying the same to the purchaser, in fee simple—which deed, being acknowledged and recorded, shall vest in the purchaser, his heirs and assigns forever, a good title thereto.

Collectors to deed lands sold & not redeemed in one year.

XI. *And it is hereby further enacted,* That the sheriff of Addison county, be, and he is hereby declared to be the collector of the tax aforesaid, on that tract of land called Goshen Gore, lying and being in the county of Caldonia.

Sheriff of Addison county to be the collector on Goshen Gore.

XII. *And it is hereby further enacted,* That the sheriff of Franklin county, be, and he is hereby declared to be the collector of the tax aforesaid, on the tracts of land in said county, heretofore known by the name of Smithfield and Knoulton's Gore agreeably to the original charter thereof.

Sheriff of Franklin county to collect the tax on Smithfield and Knoulton's Gore.

XIII. *And it is hereby further enacted,* That the first constable of Newhaven, be, and he

Constable of Newhaven to collect the tax

on Newhaven
Gore.

is hereby declared to be the collector of the tax aforesaid, on the tract of land called Newhaven Gore, in said county of Addison.

Sheriff's fees
for advertising.

Constables
fees for adver-
tising.

Fees for sel-
ling each right
or lot of land.

Fees for deed.

Treasurer to
issue extents af-
ter the 1st day
of Aug. '98.

XIV. *And it is hereby further enacted,* That the sheriffs aforesaid, shall have right to ask and receive, each for their said services, the following fees, to wit, for trouble and postage, for inserting the said advertisement in the three newspapers aforesaid, agreeably to the directions aforesaid, four dollars, in addition to the sum paid the printers, for inserting said advertisement—and also two dollars to constables for their services and trouble, in advertising the same in their respective towns, as is herein before directed, to be apportioned by said sheriffs and constables, respectively, upon such lands as shall be delinquent in the payment of said tax—And also such collectors shall have right to ask and receive, for every right or lot of land sold at vendue, seventeen cents: and for every deed, duly executed and acknowledged to the purchaser of such vendue lands, thirty-four cents. And no deed shall be executed of the lands so sold, as is herein before directed, until the time for the redemption of the same be fully expired.

XV. *And it is hereby further enacted,* That if any of the collectors aforesaid, shall neglect or refuse to collect and pay said tax into the treasury of this state, on or before the first day of August, A. D. one thousand seven hundred and ninety-eight, the said treasurer is hereby authorized and directed to issue his extents against such delinquent collector, or collectors, for the collection of the same, in due form of law.

XVI. *And it is hereby further enacted,* That the constables and selectmen of the several

towns within this state, be, and they are hereby fully authorized and empowered to proceed, in all things, in the assessing and collecting of said tax, within the actual limits of their original grants or charters, whether the same be within the limits of their respective towns, or within the limits of any other town, established by act of this Legislature, any law, usage, or custom to the contrary, notwithstanding.

Tax to be assessed on the several towns according to their original grants

XVII. *And it is hereby further enacted,* That if any possessor or land-owner, in any town in this state, shall be unable, through the insufficiency of the records, or otherwise, to show what original right he holds under, it shall be the duty of such possessor, or land-owner, to make out a survey of his land, with metes and bounds, certifying the number of acres, and present the same to the said collector, together with the tax and cost, if any—And it is hereby made the duty of the said collector, to receive said tax, and give a receipt, declaring that he has received the tax on such land, meted and bounded as aforesaid—And said land shall not pass by any sale made by said collector, any thing in this act to the contrary notwithstanding.

Where lands cannot be ascertained by records the possessor to make out a survey, &c.

XVIII. *And it is hereby further enacted,* That the selectmen in any organized town, shall have power to grant bills of abatement, in the following cases, to wit, when it shall appear to them that the collector is made accountable for the collection of the said tax, on any quantity of lands, which may be cut off from such town, by the interference of grants, and also such part of a town as may be covered by natural ponds or lakes, and shall also certify the quantity of land contained in the public rights, in their respect-

Selectmen to grant bills of abatement.

ive towns; which certificate shall be in the form following, as the case may require, viz.

“THESE certify, that the lands sequestered for public, pious, or charitable uses, in the town of _____ in the county of _____

Form of bill
of abatement.

amount in the whole to _____ acres; and, (if the case or cases shall so be) that by the interference of the charter of the town of _____ and the town of _____ there is cut off _____ acres of land, from the said town of _____ and that there is covered by natural ponds or lakes contained within the limits of the charter of said town of _____ (here insert the names of such waters) to the amount of _____ acres, amounting in the whole to _____ acres, which at one cent per acre, is _____ dollars, _____ cents, which sum we do hereby abate, to _____ first constable of said town, on a state land tax of one cent, on the acre, assessed by the legislature of this state, at their October session, A. D. one thousand seven hundred and ninety seven.

Dated at _____

179 _____

Attest,

} Selectmen
} of said town
} of _____

Treasurer to credit all the collectors the amount raised on five acres out of each 100 acres for roads.

Which said bills of abatement, signed by two or more selectmen, and presented to the treasurer of this state, by such constable, shall, by the said treasurer, be placed to the credit of such constables, on said tax. And said treasurer shall also place to the credit of all the collectors, contemplated and authorized by this act, such sum respectively as the five acres to the hundred, herein before allowed, as a deduction for highways, will amount to, on the quantities of their warrants respect-

ively, after a deduction on said warrants of the quantity of land contained in the aforesaid bills of abatement, respectively.

XIX. *And it is hereby further enacted,* That all vendues for sales of lands, under this act, shall be between the hours of nine o'clock in the morning, and the setting of the sun of the same day, or days, on which the same may be holden, and every sale which shall not be made within the period of the day or days above described, is hereby declared null and void.

Vendue to be holden between 9 o'clock in the morning and sun set.

XX. *And it is hereby further enacted,* That the several collectors aforesaid, shall, within thirty days, next after the ending of such vendues, for the sale of lands, as aforesaid, lodge a true and attested copy of such sales, together with their advertisement thereof, with the several town or county clerks, as the case may be, whose duty it shall be to record the same, at the expence of such collectors.

Collectors to record their proceedings.

XXI. *And it is hereby further enacted,* That the secretary of this state, be, and he is hereby directed, immediately after the rising of this assembly, to publish this act in all the public newspapers printed within this state, at least, six weeks, successively.

Act to be published in all the public newspapers.

Passed November 10, 1797.

Attest, **ROSWELL HOPKINS, Sec'y.**

An ACT, regulating the printing, binding, distribution, and sale of the revised laws of this State.

I. *It is hereby enacted by the General Assembly of the state of Vermont,* That there shall be printed by the printer of this

State's printer to print 1000 copies of the revised laws

Type and ps
per.

Binding.

Lettering.

To be printed
by the 1st of Ju-
ly 1798.

Distribution
of revised laws.

1 to the Gov.
1 to Lieut. Gov.
1 to Treasurer.
1 to Secretary
of State.
1 to Secretary of
Council.
5 to Clerk of
Assembly.

1 to the Presi-
dent.
1 to the Presi-
dent of Senate.
1 to the Speaker.
1 to each Gov-
ernor in the U-
nited States.

state, one thousand copies of the revised laws of this state, on demi paper, of a good quality, with a type similar to that on which the first and second volumes of the laws of the United States are printed, to be of the same size and shape, and to contain as many words on each page, and the volumes of said laws shall be as well bound, with suitable leather, for that purpose, and on the outside, on a leather of a different color, each volume shall be lettered with these words, namely, "*Laws of Vermont.*"

II. And it is hereby further enacted, That the said copies, so to be printed, shall be completed and delivered, on or before the first day of July next. One copy of which shall be delivered to each of the following officers, viz. the Governor, Lieutenant Governor, Treasurer, Secretary of State, Secretary of Council, & Clerk of the General Assembly; and there shall also be lodged with the Clerk of the General Assembly, four volumes, for the use of the Legislature—And there shall be lodged with the Governor of this state, twenty copies of said revised laws, to be printed on a paper of an excellent quality, and elegantly bound and lettered, at the extra expence of the printer—One of which, it shall be his duty to transmit to the President of the United States, one to the President of the Senate, one to the Speaker of the house of Representatives, and one to each of the executives of the different states in the United States.—And at the time of transmitting the same to the respective executives, aforesaid, it shall be the duty of the Governor, to request from each of them, a copy of their public acts or laws, as revised or collated, as soon as they shall become so, from which this state has not already received such copies, and one to the

Governor of Lower Canada, with a request as aforesaid. And there shall also be delivered to each of the committee of revision, one copy, to be printed, bound and lettered as last aforesaid.

1 to the Gov.
of Lower Cana-
da,
1 to each of the
committee of
revision,

III. *And it is hereby further enacted,* That each organized town, parish, district, or other place, with town privileges, shall be furnished with one copy, at the expence of the state, to be lodged with the several clerks of such town, parish, district, or other place, which said copies shall be by such clerks, delivered over to their respective successors in office.

1 to each town
clerk,

IV. *And it is hereby further enacted,* That after reserving the number of copies for the purposes mentioned in the second section of this act, the residue of the aforesaid one thousand copies, shall be distributed, and disposed of, in the following manner; that is, there shall be delivered by the state printer, to the sheriff of Bennington county, eighty eight copies; to the sheriff of Windham county, ninety seven copies; to the sheriff of Rutland county, one hundred and thirty six copies; to the sheriff of Windsor county, one hundred and eleven copies; to the sheriff of Addison county, one hundred and two copies; to the sheriff of Orange county, one hundred and three copies; to the sheriff of Chittenden county, one hundred and nine copies; to the sheriff of Caledonia county, one hundred and fourteen copies; to the sheriff of Franklin county, one hundred and seven copies. The said printer taking ample and sufficient receipts, on delivery of the same, from the said sheriffs, to the treasurer of this state, through his hands, faithfully to account for the distribution and disposal of said copies, which receipts, the

88 to the sh'ff
of Ben. county.
97 to sh'ff of
Windham coun.

136 to sh'ff
of Rutland co.
111 to sheriff
Windsor coun.

102 sheriff of
Addison county

103 to sheriff
Orange county:

109 to sheriff
Chittenden Co.

114 to sheriff
Caledonia coun.

107 to sheriff
Franklin count

Printer to take
107 from sh'ffs

Re't to be
del'd to treasur :

said printer shall deliver over, on or before the first day of September next, to the treasurer of this state.

Sheriffs with-
in 30 days to
lodge copies
with town clks:

V. *And it is hereby further enacted,* That it shall be the duty of the said sheriffs, respectively, within thirty days after the receipt of such copies, to lodge one copy thereof with the clerks of each organized town, parish, district, or other place, in each of their respective counties, taking receipts from such clerks respectively; which receipts being produced to the treasurer, shall be accounting for such number of copies. And the said sheriffs on application, shall furnish one copy to every civil officer, in commission in this state, within their respective counties, for the same price at which said copies shall cost this state.

Sheriffs on
application to
furnish 1 copy
to each civil of-
ficer at first cost:

Auditor to
ascertain the
price :

VI. *And it is hereby further enacted,* That the auditor of accounts against this state, shall ascertain the value of each copy so to be printed, after the following manner, that is to say, that if the said copy shall contain five hundred and twelve pages, octavo, of the same size and number of words, as mentioned in the first section of this act, then the price of such copies shall be eighty cents, but if the said copy so printed shall contain a greater or less number of pages than the said auditor shall ascertain the price of said copy, at the same rate, adding thereto the sum of thirty-four cents for the expence of binding and lettering each copy, as before provided in this act. And the said auditor shall furnish the said printer with certificates of the price of said copies, under his oath of office, which shall be by him so ascertained, one of which it shall be the duty of the said printer to de-

Auditor to
furnish printer
with certificates

liver over to the sheriff aforesaid, on delivery of the copies of said revised laws.

VII. *And it is hereby further enacted,* That the said sheriffs respectively, after furnishing the clerks as aforesaid, and after reserving a sufficient number of copies, to furnish the civil officers of their respective counties, be, and they are hereby directed to sell, to any person or persons, on application, any number of the copies, which shall remain in their hands, respectively, undisposed of, at the same price ascertained by the auditor as aforesaid, and such sheriffs respectively, shall be allowed five per cent. commissions for such sales.

Sheriffs to sell to any person after furnishing town clerks & civil officers:

VIII. *And it is hereby further enacted, and expressly declared,* to be the duty of such sheriffs respectively, to account with the treasurer of this state, on or before the twentieth day of October next. upon the receipts, so to be given as aforesaid, for the distribution, disposal and sale of such copies.

Sheriffs to acct. to the treasurer on or before the 20 Oct: 98

IX. *And it is hereby further enacted,* That CEPHAS SMITH, jun. of Rutland, be, and he hereby is appointed to inspect the press, during the printing of said revised laws, who shall be under oath for the faithful discharge of his said duty, and his certificate accompanying said laws, that the same are correct, or noting the errata, if there be any, the same shall be read, used, and considered as laws throughout this state.— And the said Cephas shall be entitled to receive such sum from the treasurer of this state, as on examination of his time and services, a future Legislature shall direct.

Cephas Smith appointed to inspect the press.

his certificate to accompany revised laws.

Passed Nov. 10th, 1797.

Attest, ROSWELL HOPKINS, Sec'y,

An ACT directing the proprietors' clerks upon the dissolution of the proprietorship of any town, to deliver over the records to the town clerk.

Proprietors'
clks to deliver
over records to
town clerks

I. **I**T is hereby enacted by the General Assembly of the State of Vermont, That as soon as all the lands in any town, in this state, are divided into severalty, it shall, and hereby is made the duty of the proprietors' clerk of such town, upon the application of one or more of the selectmen, to deliver over to the town clerk all records, maps, and other papers belonging to said proprietors' clerks' office.

Towns divided
prop's records
to be kept in
town bearing
the orig'l name

Fine for
prop's clks ne-
glecting to de-
liver over records

II. *And it is hereby further enacted, That such towns as have been, or may hereafter be divided, or parts thereof, annexed to any other town, the proprietors' records of such town shall be kept within the limits of such town, as retains the name by which said town was originally granted—And if said proprietors' clerk, shall, for the space of one month, neglect or refuse to deliver over the records of said office to the town clerk as aforesaid, he shall pay a fine of ten dollars for each months' neglect as aforesaid, to be recovered by and for the use of any person who will prosecute the same to effect.*

Passed Nov. 9th, 1797.

Copy Examined.

Attest, ROSWELL HOPKINS, Sec'ry.

An ACT, in addition to an act, entitled "An act constituting the supreme court of judicature and county courts, defining their power, and regulating judicial proceed-

ings," passed March second, one thousand seven hundred and ninety seven.

I. *It is hereby enacted by the General Assembly of the State of Vermont,* That the supreme court of judicature, and the several county courts within this state, shall have power to grant new trials, in all cases within their respective jurisdictions, according to the usages of law, either on motion at the same session in which judgment was rendered in said cause, or by petition to any subsequent session of the same court, in which the original judgment was rendered.

Supreme & county courts empowered to grant new trials

II. *Provided always, And it is hereby further enacted,* That when any person shall prefer his petition for a new trial, to any court, at a session subsequent to that in which the original judgment was rendered, he shall give the adverse party notice of such petition, by a citation for that purpose, to be signed by one of the judges or clerk of the court, to which it is made returnable, to be served in the same manner as original writs are by law served, at least twelve days before the sitting of the court, to which such petition is preferred. And the said courts respectively, shall have power to tax costs on granting or refusing such motion or petition, as to them shall appear just and reasonable, after a full hearing on such motion or petition.

Persons petitioning for a new trial, to notify the adverse party

Court's power to tax costs.

Provided nevertheless, That no new trial shall be granted by either of said courts in any civil cause, in which the reason assigned for granting a new trial, is founded on a difference of opinion, as to matter of fact, between the court and jury, which tried the cause.

No new trial to be granted where the court and jury differ as to facts

New trials
to be granted
in matters of
law in one year,
if new evidence
discovered in 2
years

Provided Also, That no new trial shall be granted in any cause, unless the petition and citation be preferred and served on the adverse party, if the reasons assigned be a matter of law, within one year next after the rendition of the original judgment, or if the reasons assigned be the discovery of new evidence, within two years next after the rendition of the original judgment, any thing herein contained to the contrary notwithstanding.

Passed Nov. 8th, 1797.

Copy examined—

Attest, ROSWELL HOPKINS, Sec'y.

An ACT, to continue in force the several acts regulating fees, until the rising of the Legislature in October next.

All laws relating
to fees to
continue in force
until the rising
of Assembly in
October '98

IT is hereby enacted by the General Assembly of the State of Vermont, That the several laws now in force, regulating fees, be, and they are hereby declared to be, and continue in force, until the rising of the General Assembly in October next, any law for repealing all or any of said laws, passed at the present session of the Legislature, notwithstanding.

Passed November 10, 1797.

Copy examined,

Attest, ROSWELL HOPKINS, Sec'y.

An ACT, suspending the operation of certain acts therein mentioned, and for other purposes.

IT is hereby enacted by the General Assembly of the State of Vermont, That the operation of

the several acts passed by the Legislature, at their adjourned session at Rutland, in February last, which were reported by the committee of revision, and the operation of all the acts reported by said committee the present session; and also of such other acts, of a public nature, which have or shall be passed this session, be, and hereby is suspended till the first day of September next, except such acts as shall be published in a pamphlet, by direction of the General Assembly, the operation and effect of which acts are to take place from the time of their passing respectively.

Operation re-
vised acts sus-
pended until
Sept. 1, '98.

Acts to take
immediate effect

II. *And it is hereby further enacted,* That all writs, processs, proceedings, bonds, or recognizances, which shall be made, issued, or taken, and made returnable, either to the supreme court of judicature, or to either of the county courts in the several counties within this state, pursuant to the present existing laws, be, and they are hereby made returnable to such courts respectively, at such times and places, as is, or are directed in the said several acts, the operation of which is hereby suspended.

writs, bonds, &c.
made return-
ble.

Passed November 10, 1797.

Copy examined—

Attest, ROSWELL HOPKINS, Sec'y.

An ACT, annexing part of Windham to Londonderry.

It is hereby enacted by the General Assembly of the State of Vermont, That the dividing line between the towns of Windham and Londonderry, shall be hereafter known and established as hereafter described, to wit, beginning on the north-line of Windham, where Middle Brook, so called, crosses the same,

Division line
between Lon-
donderry and
Windham;

from thence southerly up said brook, to the foot of Glebe Mountain, so called, thence running a direct course to the top of said mountain, thence southerly, on the height of said mountain, to the ancient south line of Londonderry, any law heretofore to the contrary notwithstanding.

Passed Oct. 21, 1797.

A true copy examined.

Attest, ROSWELL HOPKINS, Sec'y.

An ACT, to rectify the errors committed in the records of the proprietors of the town of Westford.

Preamble.

I. *IT is hereby enacted by the General Assembly of the State of Vermont,* That whereas several errors of various sorts appear to have been made in the records of the proprietors of the town of Westford, in the county of Chittenden, which cannot be rectified without legislative interference, one sixteenth part, or upwards, of the proprietors of said town, may call a meeting of the proprietors thereof, to be held in the said town of Westford, on any day or days between the tenth day of January and the fifteenth day of February, next ensuing, (Sundays excepted.)

1-16 part of the Proprietors of Westford, may call a meeting to be holden in said town.

Notification to be published.

Provided always, That due notification of the said meeting shall be published in three public papers printed in this state, to wit, at Bennington, Rutland, and Windsor, the last of which publication, shall be, at least, one month prior to the day on which the said meeting shall be warned to be holden.

II. *And it is hereby further enacted,* That the notification aforesaid shall be signed, by some person or persons, who are proprietors

of above one sixteenth part of said township, and in words following :

This is to notify the proprietors of the town of Westford, in the county of Chittenden, that they are warned to meet on the day of next, at the house of in said town, at ten o'clock in the forenoon of said day, to rectify such mistakes and make such necessary amendments in the proprietors' records of said town, respecting the divided as well as the undivided lands therein, as they shall think proper, agreeable to the true meaning and intention of an act of the legislature of the state of Vermont, passed at their October session, one thousand seven hundred and ninety seven."

Notification to be signed by more than 1-16 part of the proprietors.

III. And it is hereby further enacted, That the present records of the said proprietors, as well as the proceedings of the said meeting, as far as respects the amendment or alteration of the said records, shall be laid before the supreme court, which shall sit at Burlington, in the said county of Chittenden, next after the said meeting, whose duty it shall be to hear the complaints of any proprietor or proprietors who may think themselves injured by the votes of a majority of the said proprietors, at their said meeting. And that said supreme court, after hearing the assertion and allegation of both parties, and receiving the satisfactory proof, so far as the nature of the case will admit, are hereby vested with full power and authority, finally to determine on the alterations which ought to take place, in the said records, whose determinations are hereby declared to be equally valid and binding, to all intents and purposes, as though the same had been heretofore done and estab-

Proceedings and records to be confirmed by supreme court.

lished, by the proprietors, at a meeting legally warned, and having powers for that purpose, any law usage or custom to the contrary notwithstanding.

Proprietors to
provide for the
payment of ex-
pences.

IV. *And it is hereby further enacted*, That it shall be the duty of the proprietors, at their said meeting, to provide for the payment of all expences which have already, or may hereafter accrue in the settlement of the above business, and enforce the collection thereof in such manner as has heretofore been practised pursuant to *an act regulating proprietors' meetings*, passed March ninth, one thousand seven hundred and eighty seven.

Passed Nov. 10, 1797.

Copy examined—

Attest, ROSWELL HOPKINS, Sec'y.

An ACT, granting to Aaron Post the liberty to raise the waters in Fairlee Lake, so called.

Whereas it is necessary to raise the waters in Fairlee Lake, so called, in order to supply with water, several mills standing on the stream which empties out of said Lake, and the supplying said mills with a sufficiency of water, would be of great public utility, especially to the inhabitants of West Fairlee, Vershire, Strafford, Thetford, and Norwich—And whereas the raising said waters, will necessarily flow several small tracts of land, belonging to sundry persons living, and owning lands bordering on said Lake, which will subject the said Post to many expensive lawsuits, if said owners are disposed to oppose the flowing of said lands. Therefore,

IT is hereby enacted by the General Assembly of the State of Vermont, That liberty be, and hereby is granted to the said Aaron Post, his heirs and assigns, to erect and keep up a dam across the outlet of said lake, so as to raise the waters in said lake two feet upon a level above the rock at the south end of said Post's saw mill dam, which was anciently the bed or bottom of the stream or outlet of said lake.

Aaron Post permitted to raise Fairlee Lake.

And to prevent unnecessary litigation by those whose lands may be flowed by raising said waters,

It is hereby further enacted, That William Chamberlin, Esq. of Peacham, Micah Barron, of Bradford, and Elias Stevens, esq. of Royalton, be, and they are hereby appointed commissioners to appraise the damages done, or which may at any time be done, to each and every individual whose lands, or any part thereof, may be flowed by the raising of said waters, and it shall be the duty of said commissioners, or a majority of them, to view the situation of said lake, and the lands bordering thereupon, before said waters are raised by said dam upon said lands, and to take an estimate of the quantity and quality of the said lands, which will probably be flowed by the raising of said waters, and the injury which may thereby be done to the several owners of said lands, upon a supposition that said lands be perpetually flowed, and after said waters are raised, and said lands flowed to the full height by this act allowed to be raised, said commissioners, or a majority of them, shall again take another view and estimate of said lands so flowed, and shall thereupon assess the damages done to each individual, by the flowing of said

Committee to ascertain damages to the owners of lands which may be flowed.

lands, estimating said damages, as though said lands were forever to be flowed, and shall thereupon make a return in writing to the next county court, holden in the county of Orange, of the damages by them assessed, to each individual whose lands, or any part thereof shall be flowed or covered with water, by the raising the waters of said lake; the expence of which several views and returns, shall be paid by the said Aaron Post. And it shall be the duty of the clerk of said county court, to receive said several returns so made, and to make a record thereof in the records of said county court, together with this act, the expence of which shall also be paid by the said Post. And upon the said Post's paying, or causing to be paid to the several owners of said lands, the several sums so assessed by said commissioners, and by them returned as aforesaid, said owner or owners of said land, who shall be so paid, shall forever thereafter be precluded and barred of any further suit or recovery against the said Post, his heirs or assigns, for any damage by them, or either of them sustained by the flowing of the same lands, so paid for. And in case any owner or owners, of said land so flowed, shall refuse to receipt the sum or sums so assessed, then and in that case it shall be in the power of the said Post, his heirs or assigns, to pay into the hands of the clerk of said county court, said sum or sums so refused, whose duty it shall be to receive the same for and in behalf of said person or persons so refusing, and to make a record of the receipt of said sum or sums accordingly, which record so made, shall be a perpetual bar to any future recovery or judgment for damages, in flowing the same lands so paid for.

Expences to be paid by A. Post

County clerk to record the report of com'r

The sums assessed to be paid to the owner of the land flowed, which shall be a bar to any future action.

Any person refusing to receipt the sums, the same to be lodged with the county clerk.

LAW OF VERMONT.

Provided however, that it is hereby further enacted, That in case any person or persons, whose lands shall be flowed as aforesaid, shall think themselves aggrieved by said assessment, and return of said commissioners, it shall be in the liberty of such person or persons, at the next county court in Orange county, after said return made, to file his declaration in an action of trespass on the case, against the said Post, his heirs or assigns, or whoever flowed said lands, for the damages sustained in flowing the same, giving notice to the said Post, his heirs or assigns, or whoever flowed said lands, by leaving a copy of said declaration with the said defendant, twelve days before the sitting of said court, which shall be deemed sufficient notice to appear and defend in said action, and the county court shall thereupon proceed to hear and determine said cause, by a jury of the county, and render up judgment accordingly, and in case the person or persons, considering him or themselves so aggrieved, shall recover a greater or higher sum in said cause, than was assessed by said commissioners, exclusive of cost, judgment shall be rendered for said sum, and also for the costs in said suit, which judgment so recovered, shall likewise be a perpetual bar to any farther recovery or judgment for flowing the same lands, and in case the person or persons, so filing his or their declaration, shall recover no more than the sum or sums, so assessed, and returned by said commissioners for flowing the same lands, exclusive of costs, then and in that case, judgment shall be rendered for the defendant to recover his costs in said suit, against the plaintiff, and said judgment shall be a perpetual bar as aforesaid.

Return for
persons aggrieved.

Judgment to
be a bar for future recovery.

Where public
roads are flowed
they are to be
made good.

Provided also, And it is hereby further enacted, That in case the raising of said waters they shall flow any public road legally laid out, and the selectmen of the town in which said road or roads lie, shall choose not to alter, but to continue said road, or roads, the said Post shall, at his own expence, causeway and repair said road or roads, so as to make said road or roads, equally good as they now are, which shall also be determined by said commissioners, and a return thereof made as aforesaid; and thereupon the said Post shall be exonerated from any suit on that account as aforesaid.

Passed Nov. 10, 1797.

Copy examined—

Attest. ROSWELL HOPKINS, Sec'y.

An ACT in addition to an act, entitled, 'An act, organizing the counties of Franklin and Caledonia, and fixing the time and places for holding the supreme and county courts in the same, and for altering the place of holding the supreme and county courts in the county of Orange,' passed the eighth day of November, A. D. one thousand seven hundred and ninety-six.

Preamble.

Whereas in the said act it is provided as a condition of the sitting of the supreme and county courts in the town of Chelsea, in the county of Orange, that the said town of Chelsea, shall at the expence of said town, build a court-house and jail in said town, within two years from the passing of the said act—And it appearing to this legislature, that a longer term ought to be allowed to said town for the erecting of the said buildings. Therefore,

IT is hereby enacted by the General Assembly of the State of Vermont, That the term in and by said act affixed to the town of Chelsea, for performing the aforementioned condition, as far as it respects the building of a court house, be, and the same is hereby prolonged two years, the termination of which period, shall be on the thirty-first day of October, which will be in the year A. D. one thousand eight hundred.

Passed Nov. 8, 1797.

Copy examined—

Attest, ROSWELL HOPKINS, Sec'y.

The time for finishing the court-house in Chelsea, prolonged 2 years.

An act laying out and establishing a post road through the towns of St. Johnsbury and Lyndon, in the county of Caledonia.

IT is hereby enacted by the General Assembly of the State of Vermont, That Joseph Lord, Nathaniel Edson, Nathaniel Jenks, and Daniel Cahoon, be, and they are hereby appointed a committee to lay out and establish a post road from the north line of Barnet, through the towns of St. Johnsbury and Lyndon, in the county of Caledonia, to the east line of Wheelock, in said county— And the aforesaid committee are hereby directed to lay out said road as near the banks of Passumpsick River, as may be eligible and convenient, in their opinion, to best promote the travel to Lake Memphremagog, which road shall be surveyed by the surveyor general, or some person authorized by him for that purpose, who shall cause the survey thereof to be recorded in the town clerk's office, of each town respectively, and the selectmen of the respective towns, shall cause the said

Committee to lay a post road through St. Johnsbury and Lyndon.

Select men to make the road passable by assessing a tax on the list or on lands.

LAW OF VERMONT.

road to be made good and passable, and the selectmen of each town respectively, are hereby empowered, with the consent of the town, to assess a tax of not more than six cents on the dollar, on the polls and rateable property of the inhabitants of each town, or a tax on the lands in such town of not more than one cent and an half on each acre, public lands excepted.—And the selectmen aforesaid are hereby appointed a committee to superintend the expenditure of said tax, and any justice of the peace in such town is hereby empowered to issue his warrant to the collector, appointed by the authority of such town to collect state taxes, who is hereby appointed a collector for the purpose aforesaid, and such collector is hereby made accountable to the selectmen aforesaid, for the amount of said tax. And the selectmen and collector are hereby directed to govern themselves, in collecting, disposing, and accounting for the monies raised by such tax, agreeable to the statute law of this state, regulating the disposition of monies raised by tax, for the purpose of making and repairing roads and building bridges, passed November second, one thousand seven hundred and ninety-six.
Passed Nov. 8, 1797.

A true Copy examined,

Attest, ROSWELL HOPKINS, Sec'y.

*An ACT, in addition to an act, entitled,
"An act granting leave to Jabez Rogers,
of Middlebury, to raise twelve hundred
pounds by lottery, for his benefit,*

Preamble.

Whereas by the death and resignation of the managers of the lottery aforesaid, appointed by the act entitled, "An act granting

leave to Jabez Rogers of Middlebury, to raise twelve hundred pounds by lottery for his benefit," passed the thirty-first day of October; one thousand seven hundred and ninety-two, there is not at present any proper persons authorised to act as managers of said lottery. Therefore,

I. **I**t is hereby enacted by the General Assembly of the State of Vermont, That the judges of the county court for the county of Addison, be, and they are hereby fully authorised and empowered, on application to them made by the said Jabez Rogers, jun. for that purpose, to appoint any suitable persons, managers of said lottery, in the room and stead of any managers heretofore appointed.

Addison county court, to appoint managers of Reparation Lottery.

II. And it is hereby further enacted, That the managers so appointed by the said county court, before they proceed to take upon themselves the management of said lottery, execute bonds to the treasurer of this state, conditioned for the faithful performance of their said trust, in the same sum and manner as is directed by the aforesaid act, and in all things conform themselves to the direction of the act aforesaid, any law, usage, or custom, to the contrary notwithstanding.

Managers to enter into bonds

Passed Nov. 8, 1797.

A true Copy—

Attest, ROSWELL HOPKINS, Sec'y.

An ACT laying a tax of half a cent on the dollar, on the list of the polls and rateable estate of the inhabitants of the county of Windsor, for the purpose of completing the gaol in Woodstock, and of discharging other demands against said county.

Tax of half a cent on the dollar, on the list of Windsor county.

I. *It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is granted, a tax of half a cent, on the dollar, on the list of the polls and rateable estate of the inhabitants of the county of Windsor, for the year one thousand seven hundred and ninety-seven, to be paid in county orders, notes issued by the treasurer of said county, or in lawful money, to be collected and paid into the treasury by the first day of August next.

County treasurer's power.

First constables to collect the tax.

II. *And it is hereby further enacted,* That the treasurer of said county, have, and he hereby has granted to him, the same power in issuing warrants and extents, as are vested in the treasurer of the state, in the collection of state taxes, and the first constables of the respective towns in said county, are hereby empowered, and it is made their duty, to proceed in the collection of said tax, and paying the same into the county treasury, in the same manner as it is made their duty, by law, to collect state taxes, and pay them into the state treasury, and they are hereby made liable in the same manner, for neglect of duty.

Town clerks, to make returns of the amount of the list and names of first constables to the county treasurer

Town clerks neglecting their duty, to pay 10 dollars, and 10 dollars for each month's neglect.

III. *And it is hereby further enacted,* That it shall be the duty of the town clerks of the respective towns in said county, to return to the county treasurer, the grand list of all the polls and rateable estates, and the names of the first constable of their respective towns, by the first day of January next; and each town clerk neglecting his duty aforesaid, shall forfeit and pay to the treasury of said county, the sum of ten dollars; and the sum of ten dollars for every month's neglect after the said first day of January. And it shall be

the duty of the state's attorney for said county, to sue for the same in an action to be brought on this statute, before any court proper to try the same.

State's attorney
to prosecute.

Passed Nov. 7, 1797.

Copy examined—

Attest, ROSWALL HOPKINS, Sec'y.

An ACT to alter an act, entitled, "An act to appoint new managers to, and directing the appropriation of Connecticut River Lottery, so called, passed at Rutland, the eighteenth day of February one thousand seven hundred and ninety-seven.

I *IT is hereby enacted by the General Assembly of the state of Vermont, That Eliakim Spooner, of Westminster, Oliver Barret of Windsor, and Jesse Hawley, of Thetford, be, and they are hereby, appointed new managers of Connecticut River Lottery, instead of the former managers, that have been heretofore appointed—and that the said managers shall give bonds to the amount of twenty thousand dollars, to the judges of the county court, for the county of Windsor, before they, the said managers, enter upon the business of their appointment, that the said managers shall have power to alter the scheme of said lottery, if they think it necessary; provided however, the sum to be raised by said lottery, be two thousand five hundred dollars—and shall commence drawing by the last Tuesday in December, of the year seventeen hundred and ninety eight, at the Mason's Hall, in Windsor, and a list of the fortunate numbers, shall be published in the public papers, printed at Windsor, Rutland,*

New managers
of Connecticut
River Lottery.

Bonds.

2500 dolls. to
be raised.

To commence
drawing last
Tuesday of Dec-
ember 1798.

List of fortun-
ate numbers to
be printed-

Prizes forfeit-
ed if not appli-
ed for in 6
months.

and Walpole, immediately after the drawing; those who do not apply for the prize drawn against their number, within six months after drawing the said lottery, it shall be deemed as given for the benefit of said lottery.

Managers ap-
pointed a com-
mittee to lay out
the money on
the Connecticut
river post road.

II. *And it is hereby further enacted,* That the said managers, be, and they are hereby appointed a committee, to superintend and lay out the money raised by said lottery, on the great post road from the south line of this state, to the north line of Newbury, directed to be surveyed and opened, by an act of the legislature, passed at Windsor, October, one thousand seven hundred and ninety-five, on such parts, and in such places of said road, as they shall judge shall best equalize the expence of said road, on the towns thro' which the same may pass.

Managers al-
lowed 12 1/2 per
cent.

III. *And it is hereby further enacted,* That the managers be allowed, for their trouble and risque of selling tickets, and drawing said lottery, twelve and an half per cent.

New managers
to pay the old
managers 16 6
dol. 67 cts.

IV. *And it is hereby further enacted,* That the said managers, be directed to pay to the former managers, out of the money arising from said lottery, as a compensation for getting the former grant printed, and numbering the former tickets, and for the work which has by them been done on Connecticut River, on the credit of said lottery, one hundred and sixty-six dollars and sixty-seven cents, payable at the drawing of said lottery.

Old man-
agers to settle
with the county
treasurer and re-
ceive their bond.

V. *And it is hereby further enacted,* That the former managers, shall, at the time of drawing this lottery, settle for, and return to the treasurer of the county of Windsor, all the tickets that shall be at that time unaccounted for, or on hand, and the said treasurer

er is directed to receive the same, and deliver up to them their bond, as if the said lottery had been by them drawn.

VI. *And it is hereby further enacted,* That the claims of all persons holding tickets purchased from the former managers, shall be suspended until the time appointed in this act for the drawing of said lottery.

Claims against old managers for tickets suspended.

VII. *And it is hereby further enacted,* That after said managers shall have laid out the remainder of the money, to be raised from said lottery, (which has not been by this act appropriated to other purposes) in work on said road, which shall be within one year from the drawing of said lottery, that they shall then exhibit their accounts of the expenditure of said money, to said judges of the county court, for the county of Windsor, and the same being by them approved of, their aforesaid bonds shall be by them given up.

Managers after laying out the money to have accounts allowed by county court & their bonds given up.

Passed November 9, 1797.

Copy examined,

Attest, **ROSWELL HOPKINS, Sec'y.**

An ACT pointing out the mode of collecting land taxes in the several towns in the county of Chittenden.

Whereas it so happens, that the laws already had and provided, are insufficient to procure the proprietors' records of sundry towns in the county of Chittenden, to be delivered over to the town clerks, which renders it impossible for the collectors of land taxes to proceed with any degree of safety, in the collection of the same—

Preamble.

Which difficulty to remedy,

I *t is hereby enacted by the General Assembly of the State of Vermont,* That when

Where records
are not deliver-
ed over to town
clerks selectmen
to make allot-
ments.

Town clerk
to record the
survey.

Collectors of
land taxes to
sell lands by
lots.

Provide.

it shall so happen that the proprietors' records of any town in the county of Chittenden, shall not be delivered over to the town clerk of the town, of which he was proprietors' clerk, it shall be the duty of the selectmen of such town, to make an accurate survey of all the lands in such town, and enter the same in a field book, with the metes and bounds, and number of each lot, agreeable to the former survey, if any shall be, and the same deliver to the town clerk, whose duty it shall be to record the same; and it shall be the duty of the collector of any land taxes in any such town or towns, which are or shall be granted by the legislature of this state, to proceed to sell by the lot, and he shall sell so much of each lot, as to pay the tax and all legal cost, together with the cost of surveying each lot, and any sale so made by the lot, or part of lot, shall be good and valid in law, any law, usage, or custom, to the contrary notwithstanding.

Provided always, That the collector or collectors, shall proceed in all things, agreeable to an act entitled, "An act regulating the disposition of monies raised on lands on all the towns in this state," passed the second day of November, one thousand seven hundred and ninety six.

Passed Nov. 9. 1797.

Copy examined—

Attest, ROSWELL HOPKINS, Sec^y.

An ACT for the purpose of establishing a county grammar school at Middlebury, in the county of Addison.

It is hereby enacted by the General Assem-

bly of the State of Vermont, That there be, and hereby is instituted, and established, a grammar school, at such place at Middlebury, in the county of Addison, as the corporation herein after named, shall think most convenient for that purpose, to be known and designated by the name of *Addison County Grammar School*.

Addison county grammar school established at Middlebury.

II. *And it is hereby further enacted*, That Messrs. Gamaliel Painter, Seth Storrs, Samuel Miller, Daniel Chipman, and Darius Matthews, and such others, as shall be appointed, in manner, and to the number herein after directed, shall at all times hereafter, form, and constitute the board of trustees for the said institution, and be known by the name and style of *The Corporation of Addison County Grammar School*.—And the said corporation, and their successors in office, are hereby declared, constituted, ordained and appointed, a body corporate, and politic, to all intents and purposes, in name and fact; shall have full power to take by gift, grant, purchase, or devise, any estate, either real, or personal, for the use of said grammar school; and to take charge of, lease, rent, and improve to the best advantage, all such grants, as have been already made within said county of Addison, by the authority of this state, for the use and benefit of grammar schools; and also to receive and appropriate all such donations, as have been, or hereafter shall be made, for the use of the said institution; and by themselves or their attorneys, to institute, maintain and defend, any suit, or suits, which may, or shall be sued, prosecuted, or impleaded, either in law or equity, for the recovery or defence of any of the rights, or property of the said institution, as they shall find necessary; and also to ap-

Names of trustees.

Name and style of the corporation.

May take lands by gift or otherwise.

May lease lands in Addison county sequestered to use of County G. Schools.

May institute and defend suits.

May appoint
and remove in-
structors.

point, elect, support and remove, from time to time, all such instructors as they shall find necessary.

May appoint
additional traf-
tees, and fill
vacancies.

III. *And it is hereby further enacted, That* when and so often, as they shall find it need-ful, for the interest of said institution, that addition should be made to the number of trustees, or to supply any vacancy occasioned by death, or otherwise, of any of the mem-bers of said corporation, it shall and may be lawful for the said corporation, at any regular stated meeting, or when specially notified, to attend for that purpose, to elect by ballot, such, and so many, as they shall think proper, so as that the whole number appointed shall not exceed twelve; and that a majority of the trustees shall be a quorum, to act in all cases.

All estate be-
longing to said
corporation, to
be exempt from
taxes.

IV. *And it is hereby further enacted, That* all the estate, both real and personal, seques-tered for the use of said grammar school, shall be free, and forever, exempt from taxes, and the persons of the instructors, and stu-dents belonging to said grammar school, shall, during their continuance therein, be exempt from taxes and military services.

Provided

Provided always, That the inhabitants of Middlebury aforesaid, and such others as may voluntarily subscribe therefor, shall build and finish a good and sufficient house for said grammar school, of the value of one thousand dollars, by the next stated session of this legislature, and shall forever after keep the same in good repair.

Passed Nov. 8, 1797.

Copy examined—

Attest, ROSWELL HOPKINS, Sec'y.

AN ACT.

An ACT, granting unto Daniel Taylor, and his associates, the privilege of erecting a toll-bridge over West River, in the town of Dummerston.

IT is hereby enacted by the General Assembly of the State of Vermont, That Daniel Taylor and his associates, be, and they are hereby formed into, constituted, and made a body politic and corporate, by the name of "The Second West River Bridge Company;" and that he and his successors, and such other persons as shall hereafter be admitted members of said company, shall be and continue a body politic and corporate, by the same name, one hundred years; and that the same company have the exclusive privilege of erecting and continuing a toll bridge over said West River, at the most convenient place, within two miles each way of the said Daniel Taylor's now dwelling house, in said Dummerston.

II. And it is hereby further enacted, That it shall, and may be lawful, for the said company, to demand and receive toll, at the following rates, for crossing said bridge, to wit:

	Cents.
For each passenger,	2
For each horse,	3
For each ox, or cow, or other horned creature, not exceeding ten in number,	3
If over that number, each,	2
For each chaise or sulkey,	10
For each loaded cart or waggon,	16
For each cart or waggon, not loaded,	8
For each chariot, coach, phaeton, or other four wheeled carriage of pleasure,	50
For each sleigh or sled, drawn by two	

F

Daniel Taylor and associates as the Second West River bridge company, to continue as a body politic 100 years.

To have the exclusive privilege of building a toll bridge, over West River in Dummerston.

Toll.

LAW OF VERMONT

on more horses, or by two or more cattle.

For each sleigh or cart, drawn by one horse, or for any unloaded sled whatever,

For each sheep, or swine,

The Supreme Court to appoint a com. to examine the accounts of said company at the expiration of 40 years.

Commrs to have free access to books, &c. and examine persons under oath.

To make a statement of the cost & proceeds.

Company to pay commissioners.

14
6
11. It is hereby further enacted, That at the expiration of forty years from the first day of January, which will be in the year of our Lord seventeen hundred and ninety-nine, it shall be the duty of the judges of the supreme court, to examine into the accounts of the said company, for and on account of the said bridge, and the proceeds thence arising, for which purpose, the said judges are hereby empowered to appoint three persons, wholly disinterested, who shall be sworn to the faithful performance of their trust, as commissioners, to examine into the state of the accounts of said company—And the said commissioners, for the purpose aforesaid, shall have free access to all the books and accounts of the said company, and are hereby empowered to call before them, and examine, under oath, such persons as they may think fit, and make out a fair statement of the cost of erecting, maintaining, and attending the said bridge, and of the proceeds arising to the said company, from the same, by the rates of toll aforesaid, during the said term, and make report thereon to the said judges, at the stated term of the said supreme court in the county of Windham, next after their appointment; and the said commissioners shall receive from the said company, such compensation for their services, as shall be allowed by the judges of the said court—And if it shall appear to the said judges, by the report of the commissioners, made as aforesaid, that the

next proceeds, during the said term of forty years, shall be paid, shall average a larger sum than twelve per centum per annum, on all actual expenditures, it shall be the duty of the said judges, to lessen the toll, to such sum as to them shall appear reasonable, provided it shall not be in the power of the said judges to reduce the toll to such sum as shall prevent the proprietors from receiving twelve per cent, per annum, for all actual expenditures.

Judges of S. Court, empowered to lessen the toll.

IV. And it is hereby further enacted, That the said company are hereby made capable of suing, and being sued, of prosecuting and defending suits, in their corporate capacity, may have a common seal, and make by-laws for their company concerns; and at any meeting called for that purpose, may choose a president and four directors, who shall continue in office for two years from the time of their election; and until others shall be chosen in their place, a majority of whom, including the president, shall form a quorum to transact business.—That at any election of officers in said company, every owner shall be entitled to as many votes as he shall own shares in said bridge; that a secretary shall be appointed by said company, whose duty it shall be to make and keep the necessary records, and make regular entries of the transfers of all shares; and no person shall be allowed to vote at any meeting, upon any share, unless it shall appear by the books and entries of the secretary, that he has owned said share, at least twenty days previous to said meeting: That the first meeting shall be warned by the said Daniel Taylor, at such time, and in such manner, as he may judge expedient: and that all future meetings shall be warned by

Company may sue and be sued.

May make bye laws, choose a president and directors.

Quorum: Each share entitled to a vote.

Secretary:

No person allowed to vote unless he has owned his share 20 days.

Dan. Taylor to warn the next meeting.

President to
warn meetings:

the president, unless there shall be a vacancy, in which case it may be waived by the secretary.

Company to
keep the bridge
in good repair:

V. And it is hereby further enacted, That the said company shall keep the said bridge, to be by them erected, and continued in manner aforesaid, in good repair, during the term of this grant, and in case of neglect, shall be liable to the same penalties to which towns by law are subjected, for not keeping roads and bridges in repair—And in case they shall neglect, for the space of six months, after complaint be made, they shall forfeit all the rights and privileges granted by this act, unless it shall appear that said bridge was destroyed by accident, in which case they shall have eight months to rebuild the same.

Provide:

That if the said company shall not, within two years after such time as the selection of Danvers, shall lay out and survey a road across said river, (within the bounds heretofore in this act described) build said bridge, and render the same passable, they shall receive no benefit by this act.

Passed Oct. 28, 1797.

Copy examined—

Attest, ROSWELL HOPKINS, Sec'y.

An ACT for quieting the heirs of *William Utley*, late of *Bramley*, or *Landgrove*, in the county of *Bennington*, deceased, and their heirs and assigns, in the possession of certain lots of land, situate in said *Bramley*.

Preamble:

Whereas it appears to this legislature, That *William Utley*, late of *Bramley*, or *Landgrove*, in the county of *Bennington*, deceased, purchased forty two rights or

shares of land in said township, and about the same time had but one surveyed two thousand acres of land in said town, on the right of which, he purchased an acre and a half. And at the same time, removed his family and settled in said town, and made improvements on some of said pitches. And it appears that the said William, and his family, have ever since continued, actually to occupy and improve some of said pitches. And that the remaining part of the proprietors have not come forward, to make an actual division of said township, until in the present year, A. D. one thousand seven hundred and ninety-seven. And the said proprietors having now made an actual division of said township, and on consideration of the circumstances of the said pitches, and the acknowledgments due for the exertions and hardships through which the said William, deceased, and his family have passed, in the early settlement of said town, have consented and agreed, that his heirs, and their heirs, and assigns, shall be quieted and confirmed in twenty hundred acre lots, as hereinafter described, amounting to the aforesaid quantity of two thousand acres, provided, that their title to the original rights, to which the said lots or pitches are annexed in the draught, be valid, as appears by their vote, passed the 25th day of October, in the present year; which twenty hundred acre lots, are described, and to be known as follows, to wit.—The lot lying in range fourth, and tier fifth, annexed by the said proprietors in their draught, to the original right of Samuel Gilbert—the lot lying in range fourth and tier sixth, annexed in manner a—

foreaid, to the original right of Thomas
 Ford—the lot lying in range fifth and
 tier third, affixed to the original right of
 Thomas Ford, jun.—The lot lying in range
 eighth, and tier fourth, affixed to the
 original right of David Webster—the lot
 lying in range seventh, and tier third, af-
 fixed to the original right of Samuel Gil-
 bert, jun.—the lot lying in range fifth and
 tier fifth, affixed to the right of John Gil-
 bert, jun.—the lot lying in range fifth,
 and tier fourth, affixed to the right of Da-
 niel Little—the lot lying in range seventh
 and tier fourth, affixed to the right of
 James Noble—the lot number eight, in
 the draught affixed in manner aforesaid,
 to the right of Reuben Harrison—the lot
 lying in range fourth and tier seventh, af-
 fixed to the right of Jonathan Kimball—
 the lot lying in range first, and tier tenth,
 affixed to the right of Edmund Morse—
 the lot lying in range fifth and tier sixth,
 affixed to the right of Benjamin Harrison
 —the lot lying in range third and tier
 eighth, affixed to the right of Aaron
 Wright—the lot lying in range third and
 tier seventh, affixed to the right of Ebene-
 zer Root, jun.—the lot lying in range
 fourth and tier third, affixed to the right
 of Roger Loomis—the lot lying in range
 fourth and tier fourth, affixed to the right
 of Ebenezer Buck—the lot lying in range
 fifth, and tier third, affixed to the right of
 Jonathan Sumner—the lot lying in range
 eighth and tier fifth, affixed to the right of
 Isaac Ford, being lots in the first division
 in said town.—And the lot lying in range
 first and tier ninth, affixed to the right of
 Thomas Gilbert, and the lot number thir-

...to the right
...being lots of the second
...township. Therefore

William Wiley's
heirs confirmed
in 22 acre lots
in Bromley

...by the General Assembly
of the State of Vermont, That the heirs of Wil-
liam Wiley, late of Bromley, in the county of
Bennington, deceased, do and they and their
heirs and assigns, in behalf of themselves,
and the present holders of the said lands are here-
by quitted and released, in the full and
entire possession of the said twenty hundred
acres, above designated and described, in
as full and ample a manner, as though the
said lots had each of them, agreeably to law,
been set off by said proprietors, as pitches to
actual settlers and proprietors, in lieu of their
draught.

...
...
...
...

Provided however, That if the said
William, deceased, did not, in his life time,
possess a legal right and title, as a proprietor
in common, to said lands, either in part, or
in the whole, then the benefit of this act, to
his heirs and their heirs and assigns, shall
cease, and the same shall in part, or in the
whole, devolve, and not otherwise, with
such defects of legal title.

Proviso

Passed Nov. 4, 1797.
Copy examined
Attest, ROSWELL HOPKINS, Sec'y.

An ACT establishing the divisions of land in
the township of Bethel.
Whereas the proprietors of the town of Be-

Preamble

that, as appears from their books and records before their charter, they divided a part of said town into several divisions after their charter issued, completed the division of said town into several divisions immediately after said divisions were made, the proprietors and land-owners in said town, made large improvements under said divisions and do now hold all their lands and improvements under the same, and the said proprietors and land-owners have universally acquiesced in said divisions, except since they were made. And, whereas doubts have arisen whether said divisions were made agreeably to the rules of law, therefore

Proprietors of
Bethel impow-
ered to rectify
former divisions
of said town

It is hereby enacted by the General Assembly of the State of Vermont: That the proprietors of said town of Bethel, be, and they hereby are empowered, at any legal meeting, warranted for that purpose, to ratify and establish, all, or any of the divisions made in said town, and if hereafter, at any meeting of said proprietors, warranted as aforesaid, said proprietors shall vote to ratify and establish all or any of the divisions made in said town, either before or after the issuing their charter, the same shall be considered as good and valid in law, and any person concerned in the title for any lands in said town may, and are hereby empowered, to give the records of the divisions of said proprietors, so ratified and confirmed, in evidence the same as though they were originally legally made.

Passed Nov. 6, 1797.

Copy examined—

Attest, Roswell Martin, Sec'y.

An ACT ratifying the doings of the selectmen of the town of Hartland, in the county of Windsor.

Whereas it is represented to this legislature, that the selectmen who have been appointed in the town of Hartland, have entered upon the business, required of them, and discharged the duty of selectmen, without taking the oath of office as selectmen, and that no record is made in the book of records in said town, of their being sworn to that office.

Preamble.

I. It is hereby enacted by the General Assembly of the State of Vermont, That the record of the appointment of the selectmen of the town of Hartland, shall be as valid in law, and received in evidence, in any court of justice in this state, the same as tho' a record had been made of the selectmen's taking the oath of office as such.

Doings of the selectmen of Hartland, confirmed.

II. And it is hereby further enacted, That all, and singular the doings of said selectmen, in the discharge of their office as such, shall be as valid in law, as though said selectmen had taken the oath of office, and a record of the same had been made.

Proviso.

Provided nevertheless, That this act shall in no wise effect the title of any lands in said town, or make the doings of said selectmen more valid in law, than they otherwise would be, where their doings have any respect to the sale of real property.

Passed November 3, 1797.

Copy examined,

Attest, ROSWELL HOPKINS, Sec'y.

An ACT, ratifying the division of the town of Barnard, by and between the proprietors thereof. G

Preamble,

Whereas an early settlement of the lands in the town of Barnard, without any legal division thereof into severalty, among the proprietors, has rendered it impracticable, at this late period, to make such a division of the same, as will do justice to the several proprietors, and at the same time be strictly agreeable to the present existing laws of this state. And whereas the proprietors of said town, have made and completed a division thereof, into severalty, (a small part only excepted) as nearly equal, as the present situation of said town will admit, to which division the proprietors and inhabitants of said town have universally agreed: And they have made a plan or map thereof, which has been accepted in proprietors' meeting, and they are desirous that the same may be ratified and confirmed, as appears by the said proprietors' records. Therefore,

Proprietors of
Barnard em-
powered to es-
tablish former
divisions.

I. **I**t is hereby enacted by the General Assembly of the state of Vermont, That the said division of the lands of said town of Barnard, into severalty, so made, by and between the proprietors of said town, as aforesaid, shall be, and the same is hereby declared to be as good and valid in law, to all intents and purposes, as though the same had been made, in every respect, agreeably to a certain statute law of this state, entitled, "an act regulating proprietors' meetings, any law, custom, or usage, to the contrary notwithstanding.

Proviso

Provided, That the said proprietors of said town of Barnard, shall deposit a true and attested copy of said plan or map, made and accepted as aforesaid, in the office of the

town clerk of said town of Barnard, on or before the first day of March next.

Passed Oct. 28, 1797.

Copy examined—

Attest, ROSWELL HOPKINS, Sec'ry.

An ACT in addition to an act, entitled, "an act granting to Israel Converse, Josiah Edson, Stephen Fisk, and Timothy Mitchel, the exclusive privilege of running a stage from Windsor to Burlington, for the time therein-mentioned.

Whereas it is represented to this legislature, that it is very difficult, and inconvenient, by reason of the badness of roads, to run a stage on the rout mentioned in said act, at present. Therefore,

Preamble.

IT is hereby enacted by the General Assembly of the State of Vermont, That the said Israel Converse, Josiah Edson, Stephen Fisk, and Timothy Mitchel, shall be entitled to all the privileges and benefits resulting from, and appertaining to said act, provided they set up and run said stage, agreeably to said act, within one year from January next, any law, or statute of this state to the contrary notwithstanding.

Passed Nov. 8, 1797.

Copy examined—

Attest, ROSWELL HOPKINS, Sec'ry.

An ACT empowering the selectmen of the town of Bennington, and their successors in office, to appropriate certain lands therein-mentioned, for the use and benefit of public highways, in said town.

Preamble.

Whereas the governor of the province of Newhampshire, by letters patent, bearing date the third day of January, one thousand seven hundred and forty-nine, granted to William Williams, and his associates, the township of Bennington, annexing thereto a plan of said township, subdividing the same into equal shares, among said proprietors, and by said patent, it appears, that a certain proportion of said land, was allowed and reserved for highways, and also by the plan aforesaid, it appears, that certain strips of land are left upon the heads of the lots through the town, east and west, north and south, which have, from the first settlement of said town, been considered and disposed of as lands sequestered for public roads in said town. But, upon examining the grant, plan and proceedings of said land-owners in said town, it does not appear that said strips of land, (appearing on the plan aforesaid) have been so identified, as to enable the selectmen of said town, to set over said lands in compensation for roads and highways, in said town—
To enable the said selectmen,

I T is hereby enacted by the General Assembly of the State of Vermont, That the selectmen for the time being, of the town of Bennington, and their successors in office forever, be, and hereby are empowered to appropriate said land, (appearing upon said plan, as aforesaid, reference thereto being, in all cases, had,) for the use and benefit of the public roads and highways in said town, the same, and in the same manner, as tho' the said lands had heretofore been duly identified for that purpose, hereby confirming whatever may

Selectmen of Bennington empowered to appropriate lands for roads.

have been done by said selectmen, or their predecessors in office, in the premises, any usage, custom, or law, to the contrary, notwithstanding.

Provided always, That this act is not to extend to the disturbing of any person or persons who may have gained a legal title to the lands aforesaid, by possession, independent of such lands being set to him or them in compensation as aforesaid.

Proviso.

Passed Nov. 10, 1797.

Copy examined—

Attest, **ROSWELL HOPKINS, Sec'y.**

An ACT, appointing a committee to lay out and survey a county road, from the court-house in Chelsea, in the county of Orange, to the court-house in Danville, in the county of Caledonia.

Whereas there is no direct road leading from the place of holding supreme and county courts in the county of Orange, to the place of holding the same in the county of Caledonia, for want of which, the judges of the supreme court, when on their circuit, and the central and north-western parts of said counties, are obliged to travel about twenty miles farther than is necessary, to get from one court-house to the other. Therefore,

Preamble.

I. It is hereby enacted by the General Assembly of the State of Vermont, That Elias Curtis and James Whitelaw, Esquires, be, and they hereby are appointed a committee, with full powers, to lay out and survey a county or post road, in the most direct and convenient course, from the court-house in Chelsea, to the court-house in Danville ;

Committee to lay a road from Chelsea to Danville.

Committee to
lay a road in
Danville.

Committee to
make return to
the town clerks
who shall record
the same.

Proprietors &
inhabitants to
agree upon the
mode of defray-
ing the expence
of making the
road,

The road to
be laid before
the 1st of June,
1798.

Expence of
committee, how
paid.

Committee to
give notice be-
fore they lay the
road.

and that Elias Curtis and Abraham Morrill, esquires, be a committee to lay out, or continue said road, from the court-house in Danville, aforesaid, to the north line of said Danville. And it shall be the duty of said committee, to make a return of the roads so by them laid out, to the town-clerks of the several towns through which said road shall be laid, whose duty it shall be to record the same in their respective offices; and such road so laid out, and recorded, shall thereafter be considered as the permanent road between the said counties.

II. *And it is hereby further enacted*, That the proprietors and inhabitants of the several towns, through which said roads shall pass, shall be at liberty to agree upon the mode of defraying the expence, of making and repairing such road, either by taxing the polls and rateable estate of the inhabitants of such towns, or by applying to the legislature, for a tax on the lands in such towns, within a proper time before the session of the legislature in October next.

III. *And it is hereby further enacted*, That it shall be the duty of said committee, to lay out said road, some time before the first day of June next; and the expence of such survey, shall be paid by the persons applying for this act, viz. Reuben Hatch, esq. of Chelsea, and Benjamin Sias, esq. of Danville; and the said committee shall give proper notice to the selectmen of the several towns, through which said road will probably be laid, of the time they will attend to said business.

Passed Nov. 3, 1797.

Copy examined—

Attest, ROSWELL HOPKINS, Sec'y.

An ACT appointing a committee for the purpose of establishing a place for the sitting of the supreme and county courts, in the county of Franklin, and to report their opinion to the next session of the legislature, whether the towns of North-Hero, Isle of Mott, and Alburgh, in the county of Franklin, and South-Hero, in the county of Chittenden, ought to be set off as a separate county.

Whereas the shire town in the county of Franklin, hath not been established only for the time being, and in order to prevent any disputes in future, and at the request of the representatives from said county,

Preamble.

I. **I**T is hereby enacted by the General Assembly of the state of Vermont, That Israel Smith of Rutland, in the county of Rutland, Enoch Woodbridge of Vergennes, in the county of Addison, and Lot Hall of Westminster, in the county of Windham, esquires, be, and they hereby are appointed a committee, to fix on, and establish the place for the holding the supreme and county courts, in said county of Franklin—And it is hereby made the duty of the said committee, after viewing the situation of said county, to erect a stake, or other monument, at such place as they, or either two of them shall agree on, for the building of a court-house within said county; and to make out and deliver to the judges of the county court, within and for said county of Franklin, a certificate, signed by them, or either two of them, describing the place where they shall have erected the said stake, or monument, as aforesaid, which said certificate shall be recorded by the clerk of said county court, and the place where

Committee to fix a stake for the place for erecting a court-house in Franklin county.

To make out a certificate of the place where they fix the stake which shall be recorded by the county clerk.

the said committee, or either two of them, shall erect the stake, or monument, for the building a court house within said county, shall be the place for holding the supreme and county courts, in said county, forever.

Provide,

Provided nevertheless, That no alteration shall take place, until a court-house shall be built, to the acceptance of the judges of the county court of said county.

The town agreed on for a shire town to pay committee and free the county from any expence for building a court house.

II. *And it is hereby further enacted,* That the town so agreed on, by said committee, for the shire town in said county, shall pay the whole charge and expence of said committee, for their services, and free the remaining part of said county, from any expence towards building a court-house in the same.

Committee to view the Islands & Alburch, & report whether the same ought to be a separate county.

III. *And it is hereby further enacted,* That the said Israel Smith, Enoch Woodbridge, and Lot Hall, esquires, be, and they are hereby appointed a committee, to examine and view the situation of the said towns of North-Hero, Isle-Mott, Alburch, and South-Hero, and to report their opinion to the next session of the legislature, whether the said towns ought to be set off as a separate county.

Passed Nov. 6, 1797.

Copy examined—

Attest, ROSWELL HOPKINS, Sec^y.

An ACT granting to Elkanah Stevens, and others, the exclusive right of locking White-River.

Whereas Elkanah Stevens, Daniel Gilbert, and Jacob Smith, all of Royalton, in the county of Windsor, and state of Vermont,

Preamble:

have petitioned, that the exclusive privilege of locking and continuing locks on White River, from the mouth of said river, up the same as far as Royalton meeting house, may be granted to them, their heirs and assigns forever. Therefore,

I. *It is hereby enacted by the General Assembly of the State of Vermont,* That Elkanah Stevens, Daniel Gilbert, Jacob Smith, and their associates, be, and they hereby are formed into, constituted and made a body politic, and corporate, by the name of *The company for locking White River,* and they and their successors, and such other persons, as shall be hereafter admitted members of said company, shall be and continue a body politic and corporate by the same name forever.—

The company for locking White River, formed a body corporate, &c.

And the said company shall have the exclusive privilege of erecting and continuing locks on White River, in the state of Vermont, in such places as they shall think necessary, from the mouth of said river, up said stream, as far as Royalton meetinghouse, under the following limitations and restrictions, to wit, That the said company shall be liable to forfeit to, and for the use of this state, all right of locking said river, if they shall not within the term of eight years, from the first day of November next, have made, and are making all reasonable exertions, in procuring materials, labour, and other necessities to forward the execution of said locks; or shall not have fully erected and completed the same, fit for use, within ten years from the first day of November next.—And the toll for conveying loaded boats, through each of said locks, shall be twenty cents per ton, and

Exclusive privilege of locking White River granted.

Limitations & restrictions.

Tolls for conveying boats through the locks.

half of said sum for all empty boats, according to the tons such boats will carry; and the same sum for every thousand feet of boards, and timber, &c. which sum shall be, and remain the rate of said toll, forever, excepting the same shall be diminished by the supreme court, as by this act herein after provided,

the supreme court to appoint commissioners to examine the accounts of said company.

Commissioners' power.

To make a statement of the expense & proceeds,

to pay the commissioners for their services

II. *And it is hereby further enacted,* That at the expiration of the term of thirty-one years, from and after the completing of said locks, it shall be the duty of the judges of the supreme court, to examine into the state of the accounts of said company, for and on account of the said locks and proceeds thence arising; for which purpose the said judges are hereby empowered, to appoint three or more persons, wholly disinterested, who shall be duly sworn to the faithful performance of their trust, commissioners, to examine into the state of the accounts of said company.— And the said commissioners, for the purpose aforesaid, shall have access to all books and documents of said company, and are hereby empowered to call before them and examine under oath, such persons as they shall think fit; and make out a fair statement of the costs of erecting, maintaining, and attending the said locks, and of the proceeds arising to said company from the same, at the rates of toll aforesaid, during the said term, and make report thereon to the said judges, at the stated term of said supreme court in the county of Windsor, next after their appointment.— And the said commissioners shall receive from the said company such compensation for their services, as shall be allowed by the judges of said supreme court.— And if it shall appear to the said judges, by the report

of the commissioners made as aforesaid, the nett proceeds, during the said term of thirty-one years as aforesaid, shall average at a larger sum than twelve per cent. per annum, upon all actual expenditures; it shall be the duty of said judges to lessen the toll to such sum as to them shall appear reasonable.

Supreme court to lessen the toll if it nets more than 12 per cent. per

Provided, That it shall not be in the power of the said judges to reduce the toll to such sum, as shall prevent the proprietors from receiving twelve per cent. per annum, for all actual expenditures.

Proviso.

III. *And it is hereby further enacted*; That if the company shall find it necessary to erect the locks, on or through any lands, the fee of which lands is not vested in the said company, they shall make application to the county court, of the county of Windsor, describing the said lands, by proper metes and bounds, and ascertaining the quantity of the said lands, and serve the proprietor, or proprietors, of said lands, with a true copy of such application, &c. at least twelve days before the sitting of the county court—And the said county court are hereby empowered and directed to appoint a judicious and impartial committee, to examine and report to the court the real value of the lands so described as aforesaid—and on the acceptance of such report, by the said court, and the company paying the sum reported by the committee as aforesaid, with the legal cost arising thereon, to the clerk of said court, a record thereof shall be made by the said clerk, and the fee of the land shall thereby pass to the said company, as fully and completely as if deeded by the owner or owners of said lands.

Made of proceeding where the locks are to be erected on lands not owned by them

Mode of proceedings where dams are to be erected.

IV. *And it is hereby further enacted,* That if it should be found necessary, to fully effect the intention of this act, to erect dams on said river, and thereby flow, or otherwise injure the property of any of the good citizens of this state, such person or persons, so injured, shall, upon application to the county court, for the county of Windsor, be entitled to receive from the company aforesaid, such compensation, as the said county court shall adjudge to be just and equitable for the injury which such person or persons has sustained, or probably may in future sustain, by the flowing of such land, or in any other way whatever. And a record being made thereof by the clerk of said court, shall be a complete bar to any future application for compensation, for any injury done to the same property, whether real or personal.—And an action for damages sustained by such dam, or dams, as aforesaid, shall be commenced in the mode prescribed by this act, and in no other way, unless the company shall have failed to pay the sum or sums assessed by the court, as aforesaid, any law, usage, or custom to the contrary notwithstanding.—And it shall be the duty of the clerk of the said county court, to pay over, on request, all sums of money, by him received from the said company as aforesaid, to the persons to whom they respectively belong, taking proper receipts therefor—which receipts the said clerks shall safely keep, with the files, in his office, and minute the same in the records of the proceedings in each respective cause.

Supreme court to appoint commissioners every 10 years after 31 years to examine the accounts and reduce the toll

V. *And it is hereby further enacted,* That after the term of thirty-one years, as before mentioned, it shall be the duty of the supreme court, for the time being, on application made for that purpose, to examine at the

end of every ten years, in the same manner as at the end of thirty-one years as aforesaid, and to reduce the toll in the same manner as is before directed.

Passed Nov. 1, 1797.

Copy examined—

Attest, ROSSELL HOPKINS, Sec'y.

An act in addition to, and alteration of an act, entitled, An act empowering the proprietors of the township of Newhaven, in Addison county, to pitch the undivided lands in said town, and to tax the lands in said town, for the purposes therein mentioned, passed at the session of the legislature in October one thousand seven hundred and ninety six.

Whereas the proprietors and land-owners of said Newhaven, in consequence of the said act, have began, and actually done a considerable part of the resurveying of the lands in said town of Newhaven—And whereas in order to make the proceedings respecting the resurveying and making a plan of said town of Newhaven valid, they were obliged by said act, to have the same resurveying done, and a plan of said town made, by the first day of October, one thousand seven hundred and ninety-seven, and as the whole is not completed, the expence already arisen must be lost, unless a remedy therefor in this way be had, which will likewise leave the land-owners, in the same disagreeable situation as before said act. Therefore,

Preamble.

I. **I**T is hereby enacted by the General Assembly of the State of Vermont, That the time for completing of said survey, and a

The time for surveying and completing a

plan of New-
haven postponed to
the 1st day of
Oct. '98.

The plan to
be completed
before any pitch-
es shall be made.

Proprietors &
landowners may
grant a tax not
exceeding 3
cents per acre.

plan of said town, be, and hereby is prolonged to the first day of October, one thousand seven hundred and ninety-eight, and that the same proceedings may be had in consequence of said act, as if the time in said act had been stated as last-*aforesaid*, in this act.—*Provided*, the said proprietors shall not commence the pitching of the undivided lands, in said town, until said plan is completed, as *aforesaid*.

II. *And it is hereby further enacted*, That the proprietors and land-owners in a legal meeting warned for that purpose, may grant a tax on all the lands in said town of New-haven, as originally granted, (public lands excepted) not to exceed three cents per acre, to defray the expence of said surveying.

Passed Nov. 7, 1797.

Copy examined—

Attest, ROSWELL HOPKINS, Sec'y.

An act in addition to an act, entitled, An act empowering and directing certain persons therein named, to lay out and survey a post-road, from Massachusetts line, to the north line of the town of Newbury, in the county of Orange, passed the twenty-seventh of October, A. D. one thousand seven hundred and ninety-five.

Preamble.

Whereas by the *aforesaid* act, the several committees therein appointed, were directed to lay said road as near the banks of Connecticut River, as may be eligible and convenient. And whereas said road, through several towns, and in many places, may be made with more convenience to the public, and with less expence and injury to towns and individuals, by divert-

ing the course of said road from the river, which, under a critical construction of the direction aforesaid, the said committee did not view themselves authorized to do.—
Therefore,

I. **I**t is hereby enacted by the General Assembly of the State of Vermont, That the committee, or committees, or either of them, appointed in and by said act, be, and they are hereby respectively authorized and empowered, on application of any town, through their agent or agents, or on application of any man or number of men, in writing, for that purpose, to divert the course of said road, from the river, by laying out and surveying the same in some other part of such town, or place, mentioned in such application, if, in their opinion, the public good shall require it.

Committee may divert the road from the river, if they judge best.

Provided always, That the expence incurred in laying out and surveying such road, shall be paid by the town, man, or number of men making application as aforesaid.

paid.

II. *Provided also,* And it is hereby further enacted, That the same proceedings, in all things, shall, and may be had, as well by the committee, as by the inhabitants of any town or towns, or by any other person or persons, relative to the road so laid out, pursuant to such application, as is, or are given, directed or provided, in the above recited act —any law, usage, or custom to the contrary, notwithstanding.

Same proceedings to be had, as in the original act.

III. *And it is hereby further enacted,* That two of the committee appointed in said act for the county of Windham, to wit, Samuel Cutler and Eliakim Spooner be, and they are hereby discharged from any further service, in the duties of their appointment.

Committee for the county of Windham discharged.

Preamble to
the 4th sect.

IV. And whereas in and by said act, the said committee appointed therein, respectively, were authorized and empowered, by the second section of said act, to set over lands and assess damages, in certain cases—And whereas, in case any person or persons shall be dissatisfied with any lands set over, or damages assessed pursuant to said section, no relief is granted—Therefore,

Mode of proceeding where persons are dissatisfied with lands being set over.

It is hereby further enacted, That if any person, or persons, shall be dissatisfied with any lands set over, or which hereafter may be set over, or with the damages, assessed as aforesaid, such person or persons may petition the county courts in such counties, for relief in the premises, who are hereby created a board to assess the damages contemplated in said section, and their order or decree on such petition, shall be final and conclusive, as to the person or persons so petitioning—And a certificate shall be given to such person, or persons, under the hands of either two of the judges of said court, to which such petition was preferred, of the sum or sums so ordered, or decreed by said court—And such certificate shall be a sufficient voucher to such person, or persons, and the same proceedings shall be had thereon, in all things, as it relates, as well to the holder or holders of such certificates, as, to the selectmen of the town in which the land, for which the assessment was made, lies, as is provided in the aforesaid section of said act, any thing therein contained to the contrary notwithstanding.

Preamble to
the 5th sect.

V. And whereas by the second section of an act, entitled, An act in addition to, and alteration of an act, entitled, “An act, empowering and directing certain persons

therein named, to lay out and survey a post-road from Massachusetts line to the north line of the town of Newbury, in the county of Orange," passed the tenth day of March, A. D. one thousand seven hundred and ninety-seven, it was enacted, That if any town through which said road passes, should neglect to make said road passable, to the acceptance of the committees respectively, on or before the first day of October, one thousand seven hundred and ninety-seven, such town should be liable to a fine of one hundred dollars, to the county treasury, for every six months neglect under certain conditions—And whereas the time limited as aforesaid, is too short for the purpose of opening, and rendering such roads passable—Therefore, *It is hereby further enacted*, That the time limited as aforesaid be, and is hereby extended to the first day of October, which will be in the year one thousand seven hundred and ninety-nine, any thing in the act last aforesaid recited to the contrary notwithstanding.

Time for completing the road postponed until the 1st day of Oct. 1799.

Passed November 9, 1797.

Copy examined—

Attest, ROSWELL HOPKINS, Sec'y.

An act making appropriations for the support of government for the present session, and from thence to the session of General Assembly in October, one thousand seven hundred and ninety-eight, and for other purposes.

I. *It is hereby enacted by the General Assembly of the State of Vermont*, That there be

Gov. 500 dol.

Treasurer 400
dols.

Debiture
of Council and
Assembly, 8. 865
dol. 45 cts.

Perez Jones
3 dol.

Elijah West 15.

Thomas Tol-
man 6, 50.

24,000 dol.
appropriated to
supreme court
and auditor of
accounts against
the state.

For want of
money hard
money orders to
be issued,

paid out of the treasury of this state—for the salary of the governor, five hundred dollars—for the salary of the treasurer, four hundred dollars—Also, for the debenture of the lieutenant governor, council, and general assembly, and the necessary officers, attending the same, including the auditor of accounts against the state, eight thousand, eight hundred and sixty-five dollars and forty-five cents—And also to Perez Jones, eight dollars for room, candles and fire-wood, for the committee of revision—Also to Elijah West, fifteen dollars for candles, fire-wood and room for the session of the governor and council—Also to Thomas Tolman, engrossing clerk, for expence of room, fire-wood and candles, in his office, six dollars and fifty cents.

II. *And it is hereby further enacted,* That there be appropriated a sum not exceeding fourteen thousand dollars, for the purpose of paying the demands against this state, which may be allowed by the auditor of accounts against the state, and the orders drawn by and under the direction of the supreme court—which several sums of money, shall be paid by the treasurer, out of the monies in the treasury—And if there shall not be sufficient monies in the treasury, the treasurer shall issue hard money orders for the residue of such appropriation.

Passed Nov. 10, 1797.

Copy examined—

Attest, ROSWELL HOPKINS, Sec'y.

An act incorporating St. Andrews' Gore into a township, by the name of Plainfield.

I*T is hereby enacted by the General Assembly of the State of Vermont,* That the tract of land, now known by the name of St. Andrews' Gore, in the county of Caledonia, being part of a grant to Savage White-law and company, bounded westwardly by Montpelier, southwardly by Barre, and Orange, eastwardly, by Harris' Gore, and northwardly by Marshfield, be, and the same is hereby incorporated into a township, by the name of Plainfield, with all the rights, privileges and immunities, enjoyed by other towns in this state.

St. Andrews' Gore incorporated into a township by the name of Plainfield.

Passed Nov. 6, 1797.

Copy examined—

Attest, ROSWELL HOPKINS, Sec'y.

An act, authorising the proprietors of the township of Leicester, to divide their lands by pitching.

I*T is hereby enacted by the General Assembly of the State of Vermont,* That the proprietors of the township of Leicester, in the county of Addison, be, and they hereby are authorised, and empowered, at any legal meeting warned for that purpose, to make a division of the undivided lands, in said township, to, and among the said proprietors, by pitching the same, in such manner, as shall be agreed upon by said proprietors, in such proprietors' meeting warned as aforesaid, any law, usage or custom to the contrary notwithstanding.

Proprietors of Leicester empowered to pitch undivided lands.

Passed Nov. 8, 1797.

Copy examined—

Attest, ROSWELL HOPKINS, Sec'y.

An act describing the division line, between the towns of Burlington and Williston.

Division line between Burlington and Williston.

IT is hereby enacted by the General Assembly of the state of Vermont, That the future division line, between the towns of Burlington and Williston, shall begin at the middle of Muddy-Brook (so called) where the same falls into Onion River, thence running along the middle of said brook, upstream, east of Coit's saw-mill, to Shelburne town line, and the tract of land which lays east of the abovesaid line, and formerly belonged to the town of Burlington, be, and the same is hereby annexed to the town of Williston, and the several inhabitants, who now reside, or shall hereafter reside on the tract of land, lying easterly of the abovesaid line, shall, for all purposes, be considered, and are hereby declared to be inhabitants of the town of Williston, abovesaid.

Passed Nov. 8, 1797.

Copy examined—

Attest, ROSWELL HOPKINS, Sec'y.

An act, confirming to Jonathan Chase, esquire, and others, proprietors of Cornish Bridge, the exclusive right of building toll-bridges over a certain part of Connecticut River, between Cornish and Windsor.

Exclusive right of building bridges over Connecticut river between Windsor and Cornish granted to the proprietors of Cornish ridge.

IT is hereby enacted by the General Assembly of the state of Vermont, That there be, and hereby is granted, to Jonathan Chase, esquire, and others, proprietors of Cornish Bridge, the sole and exclusive right and privilege, of owning and keeping in repair, the toll-bridge over Connecticut River, between Cornish and Windsor, forever; and

also, to build and keep in repair, other toll-bridges, at the place, or within one mile below, or within one mile above, the place where the aforesaid bridge now stands, and also the sole and exclusive right and privilege of building such bridges, three miles above and three miles below said bridge, for the term of thirty years, from the fourteenth day of January, Anno Domini, seventeen hundred and ninety-five.

II. *And it is hereby further enacted.* That the said proprietors of Cornish Bridge, be, and they hereby are incorporated into a body politic, and corporate, under the name of *The Proprietors of Cornish Bridge*, and by that name may sue and be sued to final judgment, and execution, and do and suffer all matters and things, which bodies politic and corporate may, and ought to do and suffer : And the meeting of said proprietors, shall be warned in such manner as they shall appoint.

Proprietors of
Cornish bridge
incorporated.

III. *And it is hereby further enacted.* That the proprietors, by a vote of the majority of those present, or represented, at any legal meeting, accounting and allowing to every person, holding one share, and not more than two, one vote ; for every two shares, above two, and not exceeding ten, one vote ; for every four shares, above ten, and not exceeding thirty, one vote ; for every six shares, above thirty, and not exceeding sixty, one vote ; for every eight shares above sixty, and not exceeding one hundred, one vote ; and for every ten shares, above one hundred, one vote ; may elect any necessary officers for the purpose of regulating and governing said corporation, and may make, pass, and cause to be executed, any bye-laws, as to them may appear necessary, which are

Proprietors
mode of voting.

Proprietors
may elect offi-
cers and make
bye laws.

Representations to be in writing and filed with the clerk.

This act and all bye laws, &c. to be recorded.

Proprietors may hold and purchase lands

Shares to be transferred by deed.

Proprietors' clerk to be a certifying officer.

Rates of toll granted the same as in the act passed by N. Hampshire.

not repugnant to the constitution and laws of this state; and all representations at any said meetings, shall be proved by a writing, signed by the person represented, which shall be filed with the proprietors' clerk.— And this act, and all the bye-laws, and regulations, and the proceedings of said corporation, shall be recorded by the clerk, in a book, or books, to be provided and kept for that purpose.

IV. *And it is hereby further enacted,* That the proprietors aforesaid, are hereby permitted and authorized, to hold any lands already purchased, and to purchase any other lands for the accomodation of said bridge, or any bridge or bridges hereafter to be built, by the said proprietors, and the same hold in fee simple, and the shares of said bridges, together with the lands belonging to said corporation, shall be transferred by deed, which being duly executed, acknowledged and recorded, by the clerk of the proprietors of Cornish Bridge, in a Book or books kept for that purpose, shall be good and sufficient in law to pass the estate. And the clerk of said proprietors shall be considered as a certifying officer, entitled to the same faith and credit, as county and town clerks. And for the purpose of reimbursing said proprietors, the money by them expended, or that they may hereafter expend, in building and supporting said bridge, or bridges, the same rates of toll which are granted to them, by the acts of the legislature of the state of New Hampshire, relating to said bridge or bridges, be and hereby are granted and established to said proprietors.

V. *And it is hereby further enacted,* That the directors of said corporation, for the time

LAWS OF VERMONT.

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being, shall have power from time to time, to make such assessments on each share, as they may judge necessary, for building or repairing said bridge or bridges, and shall notify the proprietors of such assessments, by advertising the same in the Windsor newspaper, at least ten days before the time of payment of such assessment—and if the assessment shall not then be paid, the treasurer of said corporation, for the time being, shall sell each delinquent's share of said bridge, or bridges, together with his equal share of the lands of said corporation, at public auction, the time and place of such sale having been duly notified by him, by publishing the same in the newspaper published at Windsor, at least ten days before the day of such sale.

Proprietors
power to assess
the shares.

Treasurer
power to sell
delinquent
shares.

Deeds given
by the treasurer
to be valid.

VI. *And it is hereby further enacted, That a deed given by the treasurer aforesaid, in pursuance of such sale, acknowledged, and recorded in the clerk's book as aforesaid, shall be good and valid in law, to pass the estate so sold and conveyed, any law or usage to the contrary notwithstanding.*

Passed Nov. 10, 1797.

Copy examined—

Attest, ROSWEEL HOPKINS, Sec'y.

An act relating to gaols and gaolers, and for the relief of persons imprisoned therein.

Passed March
9, 1797.

I. *It is hereby enacted by the General Assembly of the State of Vermont, That there shall be kept and maintained in good and sufficient repair, a common gaol or prison in every shire or county town in this State.*

Gaols to be
kept and main-
tained in good
repair in the
several counties.

And the whole charge of building, when there shall be occasion, and of keeping such gaol in repair, shall be defrayed by the county to which the same belongs, unless otherwise provided for.

Counties to
defray the ex-
penses of build-
ing and repair-
ing gaols.

Grand Jury
to examine gaols
and if found in-
sufficient, to
make report
thereof to the
supreme court.

II. *And it is hereby further enacted,* That at the stated session of the supreme court of judicature, in each county in this state, the grand jurors impannelled at said court shall examine into the situation of the gaols in the several counties.

A record of
be made and a
copy to be trans-
mitted to the
county clerk.

And if the said jurors shall find such gaol or gaols insufficient, they shall present the same to the court, who shall order a record thereof to be made by their clerk, and a copy thereof transmitted to the clerk of the county court in the same county.

Sheriff's duty
to repair gaols
under the di-
rection of one
or more county
judges.

And it shall be the duty of the sheriff of such county immediately, by and with the advice, and under the direction of one or more of the judges of the county court in the same county, to repair such gaol or gaols, and keep an accurate account of the monies by him expended in such repairs, and exhibit the same to the judges of the county court in the same county, whose duty it shall be to audit the same, and direct their clerk to draw an order on the treasurer of said county, for the sum which is found due to such sheriff, and it shall be the duty of such treasurer immediately to pay the same.

Judges of
county courts to
audit sheriff's
accounts for re-
pairing gaols, &
draw orders on
county treasurer.

Representa-
tives of the
county to meet
at the stated
session of the
legislature, and
lay a county tax.

III. *And it is hereby further enacted,* That it shall be the duty of the representatives chosen to represent the several towns in such county in the general assembly, to meet in convention some time during the stated session of the legislature, annually, and assess such tax upon the polls and rateable estate of the inhabitants of the several towns in such county, as to them shall appear necessary.

Which tax they are hereby empowered to levy, for the purpose of defraying the expenses and debts of such county, and shall trans-

mit to the treasurer of such county the sum of such tax is by them assessed.

And it shall be the duty of the treasurer of such county to issue his warrant to the first constable of the several towns in such county to collect such tax.

IV. *And it is hereby further enacted, That* the sheriffs of the several counties in this state, shall be liable for all escapes, made from the gaols in the counties to which they severally belong—excepting such prisoners as are committed from some other county.

Provided always, That when such sheriff, or sheriffs shall make it appear, to the satisfaction of the judges of the county court within the same county, that such escape was made through the insufficiency of the gaol, and not by any negligence of their's, either in keeping the prisoner or prisoners, or in repairing the gaol or gaols, the county shall be answerable to said sheriff for all legal cost and damage, which such sheriff may sustain in consequence of such escape.

Provided nevertheless, That when any action shall be brought against any sheriff, for the escape of any prisoner, such sheriff may, on trial of the cause, produce evidence of the circumstances, situation and property of the prisoner, when such escape was made, and all the circumstances attending such escape; and the creditor shall recover no more than his reasonable and just damages, which he shall have sustained in consequence of such escape, and his legal cost.

V. *And it is hereby further enacted, That* when any gaol shall be broken, or by any other accident shall be out of repair, so as to be dangerous to trust prisoners therein, it shall be the duty of the sheriff to repair the

County treasurer to issue warrants to the first constables to collect county taxes.

Sheriffs liable for escapes.

Where escapes are made through the insufficiency of the gaol, counties liable.

Sheriffs in action for escapes may produce evidence of circumstances, &c., of the person escaped, and shall be liable for just damages only.

Sheriff to repair gaol when broken or out of repair.

gaol, without any presentment from the grand jury, under the direction of one or more of the judges as before provided in this act.— And his accounts, shall be allowed and paid as before prescribed.

Persons committed to gaol for offences, if they have ability shall bear their own expences, and the expence of commitment.

VI. *And it is hereby further enacted,* That every person committed to the common gaol within any county in this state, by lawful authority, for any offence or misdemeanor, having the means and ability, shall bear his or her own reasonable charges, for conveying or sending him or her to such gaol, and also the charges of such person or persons as shall be appointed and employed to guard him or her thither, and shall also pay for his or her support, while in gaol, before he or she are discharged.

Their estates made liable.

And his or her estate, whether real or personal, shall be subjected to the payment of such charge or charges.

If no estate, may be assigned in service by order of county court.

And for want of such estate he or she may be assigned in service, by order of the county court, in the county where such charge or charges shall accrue, to any person who shall appear and discharge the same.

Prisoners in gaol may provide their own bedding, &c.

VII. *And it is hereby further enacted,* That all prisoners shall be permitted to provide for themselves food, bedding, linen, and other necessaries as they shall think fit.

Gaolers may not demand greater fees than are allowed by law.

And the keeper of any common gaol, shall not demand of any prisoner any other or greater fees for his commitment, discharge, or chamber-room, than shall by law be allowed.

Gaolers doing or suffering wrong to be done to prisoners to pay treble damages.

And if any such keeper of a common gaol shall do, or cause or suffer to be done any wrong or injury, to any prisoner committed to his custody, contrary to the intent of this act, he shall pay treble damages to the party aggrieved, and also such fine as it

county court, of the county in which the offence is committed, shall, upon information or complaint to them made, think reasonable.

VIII. *And it is hereby further enacted,* That the keeper of any common gaol in this state, on application of any prisoner committed to his custody in confinement, or in the liberties of the gaol-yard, on tender of the money from such prisoner so committed, for one week's board, or for any shorter or longer time, (as the board shall become due) shall board and find such prisoner with good and wholesome food and drink for the same sum allowed for state prisoners, unless in a time of scarcity; and in such case, the said keeper shall take no more than the common price of boarding in the vicinity of said gaol.

Tender of money shall board prisoners.

Prices of board in time of scarcity regulated.

And any keeper as aforesaid, who shall refuse to board any prisoner, or shall ask, demand, and receive a greater price as aforesaid, shall forfeit and pay to such prisoner the sum of five dollars, to be recovered by an action of the case grounded on this act in any court proper to try the same.

Gaolers refusing to board any prisoner or ask a greater price shall forfeit and pay 5 dollars.

IX. *And it is hereby further enacted,* That it shall be the duty of the several county courts in their respective counties, to set out yards for the liberty of the prisoners to their respective gaols.

County court to set out gaol yards.

X. *And it is hereby further enacted,* That any person imprisoned in gaol on mesne process in any civil action or upon execution founded on a proper action of debt, covenant contract or promise, shall be admitted to the liberties of the gaol yard, such prisoner first giving bond to the sheriff of the county in which he shall be imprisoned, with one or more sufficient sureties, being free holders resident within this state, to be bound joint-

Persons imprisoned on mesne process or execution for debt, covenant contract or promise shall be admitted to the liberties of the gaol yard.

First giving bond to the sheriff.

ly and severally, in such sum as the said sheriff shall direct, with a condition in the same bond, under written in the form following, to wit—

Condition of
the bond,

“THE condition of the above obligation is such, that whereas the above bounden ———, now a prisoner in the common gaol in ———, in the county of ———, and state of Vermont, by virtue of an execution in favor of ———, of ———, in the county of ———, and state of ———, for the sum of ——— dollars and ——— cents, (debts, damages, or costs, as the case may be) and for the sum of ——— dollars and ——— cents costs, with ——— cents for said execution, and the officer's fees on the same to the amount of ——— dollars and ——— cents, issued on judgment recovered before (here set forth the court, time, &c.) and signed by (here mention the authority signing the execution.”)

Or when the bond is taken on mesne process, insert in the condition, “Now a prisoner in the common gaol at ———, &c. at the suit of ——— of ———, in the county of ———, and state of ———, demanding in his writ, debt or damages, to the amount of ——— dollars, now if the said ———, shall faithfully and absolutely remain within the limits of said gaol yard, and shall not depart therefrom until he, she, or they, (as the case may be) shall be lawfully discharged, without committing any escape before such discharge, or doing any act by which the said sheriff as aforesaid shall be damaged in consequence of admitting the said ———, to the liberties of said prison, but shall at all times, indemnify, and save harmless, the said sheriff, in the premises, then [this obligation to be void and of no effect,

otherwise to abide and remain in full force and virtue.

(L.S.)

(L.S.)

(L.S.)

Signed, sealed,
and delivered,
in presence of }

And the blanks in said condition shall be filled up as the respective cases may require.

XI. *And it is hereby further enacted,* That when the condition of any bond, legally taken as aforesaid, for admitting a debtor imprisoned, to the liberties of the gaol yard, shall be broken, such bond shall be assignable to the creditor, or creditors, who may maintain action thereon, in his, her, or their own name, and shall be entitled to all the privileges and advantages thereon, to which the sheriff or other officer taking the same would be entitled, if the action were brought by him, and no action shall be maintained against any officer taking such bond, for an escape, or other cause mentioned in the condition thereof, unless the creditor or creditors shall have sued the bond taken by such officer, and assigned as aforesaid, and be unable to receive the debt or damages, if the sheriff or other officer who took the bond, shall, upon demand made, assign such bond to the creditor or creditors, and if the signer or signers of such bond, shall be unable to satisfy the judgment recovered thereon, or if the creditor or creditors, shall not be able to recover judgment on said bond, against him, her, or them, on account of the neglect laches or default of the officer, the creditor, or creditors may sue the officer taking such bond, upon the original cause of ac-

Bonds assign-
able by the sher-
iff to the cred-
itor.

Creditors may
sue bonds in
their own name.

No action
maintainable a-
gainst the offi-
cer's taking
bonds for an
escape unless the
bonds are in-
sufficient.

tion, and shall recover against him, all damages which such creditor or creditors shall have sustained.

Persons imprisoned by virtue of execution for debt, covenant, contract, promise or cost, not having estate to the value of 20 dollars, necessary apparel and bedding excepted, may apply to a judge & justice for a citation for his creditors, to appear and shew cause why he shall not take the poor man's oath and be liberated.

XII. *And it is hereby further enacted,* That when any person imprisoned in gaol by virtue of any execution issuing from any court within this state, on a judgment recovered on proper action of debt, covenant, contract or promise, or for costs recovered on abatement, non-suits, discontinuance or demurrer, shall not have estate either real or personal to the value of 20 dollars, necessary apparel and bedding for himself and family, excepted, nor sufficient to pay the debt damages or costs for which he is committed, and has not disposed of the same after commitment, except for the purpose of necessary subsistence, of him or herself, and family; not sufficient to support him or her in prison, such person may apply to two justices of the peace, one of whom shall be a judge of the supreme court of judicature, or judge of the county court, of the county in which he or she is imprisoned, praying to be discharged from his or her confinement, on taking the oath herein after prescribed, and such justices or either of them to whom application shall be made, shall issue a citation to notify the creditor or creditors, in such execution, of such prisoner's desire of taking the privilege and benefit allowed in and by this act, of the time when and the place where they will attend to administer the oath to such prisoner; and for such creditor or creditors to appear before said justices and shew cause if any he, she or they have, why such prisoner should not be discharged on taking the oath as aforesaid, which citation shall be served on the creditor or creditors of such

Citation to be served on the creditor if within the state.

prisoner, if he, she or they live within this state, his, her or their executor or administrator, and if such creditor or creditors live without this state, upon his, her or their agent or attorney who brought forward the suit, on which the judgment whereon the execution by which the prisoner stands committed was rendered, at least twenty days before the time appointed for taking said oath by the same officers, and in the same manner as is directed in the service of civil writs and processes.

Creditors living out of the state, citation to be served on their agent or attorney.

10 days notice.

Provided always, That if any creditor or creditors, live without this state, and have no agent or attorney as aforesaid living in the same, a true and attested copy of such citation shall be left with the clerk of the court, or justice of the peace by whom the said execution was signed, at least thirty days before the time appointed for taking said oath.

Creditors out of the state and no agent or attorney, citation to be served by leaving a copy with the clerk or justice who signed the execution 30 days.

And if such creditor or creditors, or his, her, or their legal representative, can make it appear to the satisfaction of said justices, that the prisoner hath practised fraud, deceit, or falshood in the management of his estate, real or personal, to take advantage of this act, or can shew other sufficient cause, he or she shall not be admitted to take such oath.

Creditors making it appear that the debtor has practised fraud, &c, or can shew other reason, the debtor shall not be admitted to the oath.

And if no objection be made by the creditor or creditors, or some other person, it shall be the duty of such justices carefully to examine, by witnesses, or by interrogatories, to the prisoner under oath, into the circumstances, situation and property of the prisoner, before they admit him or her to swear.

Justices to examine by witnesses or interrogatories into the circumstances of the prisoner.

And if, upon examination, such justice shall be of opinion that the prisoner is a fit

To administer
the oath where
it shall be judg-
ed proper.

Oath.

and proper subject of the privilege and ben-
fit given by this act, they shall administer to
him or her the following oath, to wit:

YOU solemnly, sincerely and
truly swear (or affirm) by the name of the ev-
er living God, without evasion, equivocation,
or mental reservation, that you have not any
estate, real or personal, except necessary ap-
parel and bedding for yourself and family, in
possession, remainder, or aversion, to the va-
lue of twenty dollars in the whole, nor suf-
ficient to pay the debt damages or cost for
which you are committed, nor have you
since your commitment disposed of the same,
except for the necessary subsistence of your-
self and family, and that you have not di-
rectly nor indirectly, disposed of all or any part
of your estate to defraud or deceive any of
your just creditors. So help you God. Or
(in case of an affirmation) under the pains
and penalties of perjury."

Justice to
make two certi-
ficates.

Which oath or affirmation by said justices,
being administered to, and taken by such
prisoner, they shall then make two certifi-
cates in the form following, to wit.

State of Vermont, County of ff.
To A. B. keeper of the gaol in in
the county of aforesaid.

GREETING.

Form of cer-
tificates.

Whereas C. D. a prisoner in your cus-
tody on an execution at the suit of E. F.
of in the county of &c. for
the sum of [debt or damages or cost
as the case may be] and for the sum of
costs of suit, signed by G. H. [clerk or jus-
tice of the peace as the case may be] and
dated at the day of
Anno domini has this day taken the
oath [or affirmation] prescribed in an act, en-

titled, "An act relating to gaols or gaolers, and for relief of persons imprisoned therein."

—The said E. F. having been duly notified [did or did not attend, as the case may be] and in our opinion the said C. D. ought to be discharged.

Witness our hands at this day of
A. D.

I. J. Judge of
K. L. Justice of Peace

"State of Vermont, County of
ff.

*To all people to whom these presents shall
come,* GREETING.

WHEREAS C. D. a prisoner in the common gaol in in the county of
aforesaid, on an execution at the suit of,"
[to be concluded in every respect as in the
preceding form.]

The former of which certificates shall be delivered to the keeper of the gaol, and the latter to the prisoner.

And such prisoner then satisfying the creditor or creditors for all charges incurred in providing for his or her support in prison; and also the keeper of the gaol, for past charges, shall thereupon be discharged. and his or her body be thereafter exempt from execution for the same debt or debts.

XIII. And it is hereby further enacted, That all and every judgment obtained against any such prisoner shall notwithstanding such discharge, be and remain good and effectual in law to all intents and purposes, against any estate whatever, which may then or at any time afterwards, belong unto any such prisoner, and a new execution may issue at any time, against the goods, chattles

First certificate to be delivered to the gaoler and the other to the debtor.

Prisoner satisfying the creditor for supporting him in prison, and the gaoler for his charges may be released from confinement.

The judgment to remain good against property.

Debtor's estate liable to pay prison charges.

Persons convicted of false swearing to suffer pain of wilful perjury.

Persons convicted of crimes and rendered incompetent to give testimony not to be admitted the oath.

Persons imprisoned in behalf of the state, not to be admitted to take the oath.

Justices, or either of them may adjourn the court.

Persons applying and not admitted to the oath may apply to the same justices for a new citation if in commission, if not to the judge of the supreme or county court.

or lands of such prisoner, in the same way and manner as might have been done, if the prisoner had never been in execution.

And the said debtor's estate shall also be liable to pay prison charges during all the time of his or her imprisonment.

XIV. *And it is hereby further enacted,* That if any person to whom the aforesaid oath or affirmation shall have been administered, shall be convicted of false swearing therein, he or she shall be liable to all the pains of wilful and corrupt perjury; and shall take no benefit by this act.

XV. *And it is hereby further enacted,* That no person who by reason of a conviction of any crime, shall by law be rendered incompetent to give testimony, shall be admitted to said oath. And no person shall be admitted to said oath who shall be imprisoned on any debt or demand in behalf of the state, or in behalf of the state and another; or of any party aggrieved who shall have recovered against such person for the breach of any penal law.

XVI. *And it is hereby further enacted,* That the justices or either of them who shall compose any court to admit any prisoner to the benefit of the oath prescribed by this act, shall have power to adjourn such court upon just cause, for such length of time as he or they shall judge reasonable.

And if any such court shall adjudge upon hearing, that any such prisoner is not a proper subject of the relief provided by this act, and shall not admit him or her to the oath herein prescribed, and such prisoner shall afterwards make another application, and a citation shall issue thereon, such application shall be made to the same justices

who composed the former court, unless such justices shall not be in the commission, and if one but not both of the former justices be in commission, then such application shall be made to the justice so in commission, and one of the judges of the supreme court of judicature, or a judge of the county court of the same county; and if any citation shall issue, or any application; otherwise than is above directed, the same shall be dismissed.

XVII. *And it is hereby further enacted,*
That if any prisoner shall cause a citation to be served on any creditor or creditors, his, her, or their agent or attorney, and such prisoner shall not be admitted to the oath herein before prescribed, by the justices who shall compose the court, such justices shall tax costs for the creditor or creditors, and issue execution thereon accordingly, if such creditor or creditors shall attend by him or herself, or themselves, his, her, or their agent or attorney.

Justices to tax costs against prisoners if not admitted to the oath.

XVIII. *And it is hereby further enacted,*
That the common gaols in the counties of Bennington, Windham, Rutland, Windsor, Addison, and the city of Vergennes, in addition to the purposes for which they are now used, shall be gaols for receiving and safe keeping such prisoners as shall be committed under the authority of the United States, until they shall be discharged by the due course of the laws thereof.

Gaols for confining prisoners by authority of the U. S.

And the keepers of the said gaols respectively, are hereby required to receive the said prisoners, under the like pains and penalties for neglect of duty therein, as they now are by law, in the case of prisoners committed under the authority of this State.

Gaolers required to receive United States prisoners.

Provide

U. S. to pay
50 cents per
month for each
prisoner confi-
ned in gaol, and
to support them
in prison and
pay gaoler's fees.

Provided, That the United States pay to the keepers of such gaols, for the use and keeping of said gaols, at the rate of fifty cents per month, for each prisoner who shall, under their authority, be committed thereto, during the time such prisoner shall be confined therein, and also support such of said prisoners as may be committed for offences, and also pay to the keepers of such gaols the customary fees for committing and discharging prisoners.

Gaolers to ac-
count with
county treasu-
rer for mon-
ies received from
U. S. the 1st of
Dec. annually.

XIX. *And it is hereby further enacted*, That the keepers of said gaols respectively, shall at the end of every twelve months from the first day of December next, render an account, and pay to the treasurer of the county of which he is keeper of the gaol, or the treasurer of the city of Vergennes, of which he is keeper of the gaol there- in, all monies they shall have received, respectively, from the United States, for the use and keeping of such gaols as aforesaid, ex- cept the customary fees for committing and discharging prisoners as aforesaid.

Counties,
sheriffs, constab-
les and gaolers
not responsible
for escapes of
United States
prisoners.

Provided always, That no county, sheriff, deputy sheriff, or gaoler, shall be liable for the escape of any prisoner, through the insufficiency of the gaol, who shall be committed to either of the gaols aforesaid, by and under the direction of the United States, any thing contained in this act to the contrary notwith- standing.

Passed March 9th, 1797—

Attest, ROSWELL HOPKINS, Sec'y.

An Act ascertaining the principles on which the list of this state shall be made, and directing listers in their office and duty.

Passed March
10th 1797.

I. *It is hereby enacted by the General Assembly of the State of Vermont,* That the polls, estate and property of the inhabitants of this state, shall be liable to the payment of rates and taxes, in the proportion and under the regulations hereinafter directed.

Polls estate &
property made
liable to pay
rates.

II. *And it is hereby further enacted,* That all male persons residing in this state, of the age of twenty one years and upwards, and under the age of sixty years, be set in the list at twenty dollars, for their polls respectively: except ministers of the gospel, and students of colleges, until three years from the time of their taking their first degrees, respectively. And that all lands within this state which have been improved two years, either for pasturage, tillage, or mowing, or which shall be stocked with grass, and within enclosure, shall be set in the list at one dollar and seventy-five cents per acre.

Polls to be
set in the list at
20 dollars.

Persons ex-
cepted.

Improved land
1. 75c

And that all dwelling-houses, stores, and shops, actually occupied or rented, (log houses excepted) of the value of one thousand dollars or under, shall be assessed and set in the list at the rate of two per cent. according to the real value thereof; and all dwelling-houses, stores, and shops, actually occupied or rented, above the value of one thousand dollars, shall be assessed and set in the list at the rate of three per cent. according to the real value thereof; which value shall be ascertained by the listers according to their best discretion and judgment.

Houses under
1000 dol. at 2
per cent.

Houses over
1000 dol. at 3
per cent. to be
assessed by lis-
ters.

And if any person or persons shall think himself, herself, or themselves over-assessed

Remedy for
persons aggrieved.
2d.

as to the value at which such houses shall be set, he, she, or they may proceed in the same manner, and have the same relief in all things, as is provided in the eighth section of this act.

Oxen 10 dols.

Cows, &c. 6.
50.

Two years
old 5 dol.
Horses, 13,
50.

Two years
old horses 6, 50.

Yearling hor-
ses 3, 50.

Three years
old stallions 50.

Four years old
stallions, 150.

Jackasses 30.

Clocks 10.

Gold watches
10.

Other do. 5.

Money and
notes 6 for ev-
ery 100 dols.

Lifers to no-
tify the keepers
of stallions and
jacks living out
of the state to
give security.

And that certain articles of personal property shall be set in the list as follows, to wit, each ox of four years old and upwards, at ten dollars; each bull, steer, heifer, or cow, of three years old and upwards, at six dollars and fifty cents; each bull, steer, or heifer, at two years old, at five dollars; each gelding horse, mare, or mule, of three years old and upwards, at thirteen dollars and fifty cents; all horse kind and mules of two years old, at six dollars and fifty cents; all horse kind and mules of one year old, at three dollars and fifty cents; all stallions of three years old, at fifty dollars, and all stallions of four years old and upwards, at one hundred and fifty dollars; and all jack-asses kept for covering, at thirty dollars. And all house clocks, (except wooden clocks) at ten dollars; and all gold watches at ten dollars; and all other watches at five dollars. And every person having money on hand or due, on obligations for produce, cattle, or goods, over and above the debts due from such persons, shall be set in the list at the rate of six dollars, for every one hundred dollars.

III. *And it is hereby further enacted,* That when any person shall bring into any town in this state a stallion, or jack-ass, for the purpose of covering, which shall be owned by any person or persons living without this state, it shall be the duty of the lifers to notify the person having the care of such stallion, or jack, to give security to the treasurer of the town in which such stallion or jack shall

be kept, for the payment of the taxes to which such stallion or jack would be liable, by this act, if they were owned in such town.

And if the owner or person having the care of such stallion, or jack, shall for the space of ten days after such notice, neglect to give such security, he shall forfeit and pay the sum of five dollars for every mare covered by such stallion, or jack, during such neglect; to be recovered by action of debt on this statute, one moiety to the person prosecuting the same to effect, and the other moiety, to the town treasury of such town.

Provided always, That all stallions of three years and upwards, and jack-asses kept for covering, the owner or owners of which shall be an inhabitant of this state, but shall not dwell in the town in which such stallion or jack-ass shall be kept, shall be set in the list of the person in the same town in whose care such stallion or jack shall be kept; and if the person in whose care they are in keeping, be an inhabitant of such town, or if an inhabitant shall not be a person of property, of which the listers of such town shall be the judges, such listers shall seasonably, or on the arrival of such horse or jack in such town, give notice to the person in whose care such stallion or jack is in keeping, as aforesaid, to give security, as in this act is before directed, in case of stallions and jack-asses, which are owned without this state; and upon the removal of such stallion or jack, immediately after the twentieth day of June, if application be made for that purpose, such listers shall give a certificate, that such stallion or

Persons neglecting to give security to pay five dollars for every mare covered.

Stallions and Jacks to be set in the list of persons keeping them.

Persons living out of the state to find security.

If removed after the 20th of June, listers to give certificates.

jack is set in the list of such town for that year. Which certificate shall be evidence to the listers of any other town, to which such stallion or jack shall be afterwards removed.

Tenants to put lands in to the list & the land liable to be sold for the payment of taxes.

IV. *And it is hereby further enacted,* That all land, and other property made liable to the payment of rates and taxes by this act, being or which shall be situate, in any town other than that in which the owner dwells, and in the occupancy of a tenant, shall be put into the list of such tenant, in the town in which such estate and property is or shall be situate, and such estate and property, shall be liable to be levied upon, and sold for the payment of such rates, or taxes, as may be assessed on such list.

Rateable property belonging to ministers to be exempted to the amount of 1000 dols.

Public lands exempted.

Polls of persons sick or lame exempted.

Polls of the militia exempt from State taxes.

V. *Provided nevertheless, And it is hereby further enacted,* That ministers of the gospel, who are or shall hereafter be settled in the ministry, or employed by contract, in the ministry for a term not less than one year at the same time, in any town in this state, during the continuance of his ministry in such town, shall for their rateable property to the amount of one thousand dollars, be exempted from the list. And all lands lying in this state sequestered, and improved for schools and other public, pious, or charitable use, shall also in like manner be exempted. And the polls of the persons who by sickness, lameness, or other infirmity, are disabled from obtaining a livelihood, by labor or other lawful means, shall also be exempted. And the polls of non-commissioned officers, and privates in the militia, subject to military duty, shall be exempted from the list, on which state-taxes are made

and no other; and one horse, owned by any one of the cavalry who is accoutred and equipped according to law shall be likewise exempted from the list on which state-taxes are made, but upon no other.

Horses of the cavalry exempted from the state taxes.

Provided always, That stallions, owned by any of the cavalry, shall not be exempted for any larger sum than that at which a gelding is by this act to be set in the list.

Stallions to be exempt for no larger sum than a gelding.

VI. *And it is hereby further enacted,* That all licensed attornies, practitioners of physic or surgery, merchants, traders, owners of mills, mechanics, and all other persons, who gain a livelihood by buying, selling, or exchanging, or by other traffic, not in the regular channel of mercantile life, within this state, shall be assessed in the list in proportion to the gains of their respective profession, employments, or business, according to the best discretion and judgment of the listers.

Attornies, physicians, surgeons, owners of mills, mechanics and speculators, to be assessed in proportion to their gains.

VII. *And it is hereby further enacted,* That if any person shall be set in the list any larger sum than is by this act directed and required, through an error of setting estate or other property in his list, which was not owned by him on the twentieth day of the preceding June, or by the estimation on such person's list, by the listers, of articles of estate or other property, which he or she, not through his or her neglect or wilfulness, shall have omitted or erroneously entered, in his or her list, the listers shall, on satisfacto-

Persons listing property through error, to be relieved.

ry proof made to them of such case, grant just and equitable relief.

Lifters to notify attorneys, &c., of the sum of their assessments, and the time and place of their next meeting.

Persons over assessed the lifters on application to grant relief.

Lifters refusing to grant relief, the aggrieved person may apply to a justice, or two or more selectmen for relief.

VIII. *And it is hereby further enacted*, That the lifters shall notify such licensed attorneys, practitioners of physic or surgery, merchants, traders, owners of mills, mechanics, and all other persons, who gain a livelihood by buying, selling, or exchanging, or by other traffic, not in the regular channel of mercantile life, as they shall assess or set in the list, as in this act before directed, of the sums in which they are assessed respectively, and of the time and place of the next succeeding meeting of such lifters. And if such attorneys, practitioners of physic or surgery, merchants, traders, owners of mills, mechanics, and all other persons, who gain a livelihood, by buying, selling or exchanging, or by other traffic, not in the regular channel of mercantile life, shall think themselves over assessed, such lifters, on application for that purpose, shall grant such relief in the premises, as they shall judge just and reasonable, to the person or persons viewing himself or themselves aggrieved : and on neglect or refusal to grant such relief, or if the relief granted shall not be satisfactory, the person or persons viewing himself or themselves so aggrieved, may apply to a justice of the peace of the same town, who, together with two or more of the selectmen of such town, shall consider and determine the case, as they shall judge just, first notifying two or more of the lifters to attend, and shew cause why the relief prayed for should not be granted.

IX. *And it is hereby further enacted*, That it shall be the duty of the lifters of the several towns in this state, or a majority of them,

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some time in the month of May, annually, to post up a notification in three or more of the most public places in their respective towns, warning all the inhabitants, liable to pay rates or taxes, to exhibit and deliver to the listers, or some one of them, in writing, true lists of their polls, and also of all the rateable estate and property, of which they shall be possessed on the twentieth day of June then ensuing, respectively, on or before the tenth day of July next following, particularly mentioning in said lists, all such polls, estate and property, signed with their names respectively; which list, said listers shall accept, adding thereto all such assessments as shall be required and directed by this act, which are not particularly estimated, according to their best discretion and judgment, and make the whole into one general list, in the form following, to wit,

Listers to set up a notification in the month of May annually.

Property to be listed the 20th of June.

List to be given in on or before the 10th of July.

Listers to add assessments to list.

STATE OF VERMONT.

General list of the town of
for the year

Polls at 20 dollars, is

Acres of improved land at 1,75, is

Houses assessed in the whole at

Other property and assessments is

Amount

Two folds added

Militia polls exempted at 20 dollars, is

Horses of the cavalry exempted at 13,50, is

Amount deducted

Balance, being the list for
state-taxes

Form of General list.

} Listers.

Lifters neg-
lecting to notify
in May, may
make personal
demand of the
list previous to
the 20th of Sept.

Persons neg-
lecting five days
after demand, to
be listed at dis-
cretion of the
lifters.

X. *Provided nevertheless, And it is hereby further enacted,* That if the lifters of any town shall neglect or omit, to notify the inhabitants to exhibit and deliver their lists, in the manner and within the time as before-mentioned, in such case they are hereby required, and directed, at any time previous to the 20th day of September then next following, to demand a list of every person, who shall not have exhibited or delivered the same. And if any person of whom such list shall be thus demanded, shall neglect to exhibit or deliver the same to such lifters, for more than five days after such demand shall have been made, then such lifters shall make a list for such person, according to their best discretion and judgment, and enter the same in the general list of the town.

And such person shall be liable to pay all such rates or taxes, as shall be granted assessed, or levied on such list.

Persons own-
ing houses or
land, in any oth-
er town than
that in which
they live, to
give in their list
without notice,
or be subject to
be two folded.

XI. *Provided also, And it is hereby further enacted,* That every person owning any houses or lands, liable to pay rates or taxes, situate in any town other than that in which he or she resides, and shall have no tenant living in or residing on the same, he or she shall exhibit and deliver to the lifters of such town, or some one of them, a true list thereof, in manner before mentioned, without any notification other than is herein before directed, or such person shall be liable to be two folded.

Lifters after
the 10th of Au-
gust, to inspect
the list till the
25th of Sept.

XII. *And it is hereby further enacted,* That the lifters of the several towns, after the tenth day of August annually, are hereby

directed and required, carefully to inspect the lists of their towns respectively, until the twentyfifth day of the succeeding September, and add thereto two folds for all the polls, and also for all the estate and property of which any person was possessed on the twentieth day of the preceding June, and of which polls, estate and property such person shall not have exhibited and delivered a true list as before directed in this act.

and add two folds for polls & property left out.

And if any doubt shall arise relative to such estate or property, it shall be considered as belonging to, and being owned by such person thus two folded, unless he or she can prove that it belonged to, or was owned by some other person on the said twentieth day of June.

And the said listers shall add to said list, two folds, for the whole polls and rateable estate and property of such persons as shall not have exhibited, or delivered lists, as before directed, as a penalty on such persons for their neglect, who shall be liable to pay rates or taxes, according to such two folds; and one moiety of all sums arising from such two folds, shall by the constables or collectors of the rates or taxes, be paid to the listers, as a reward for their trouble. And the other moiety shall be collected and paid to and for the use for which such rates or taxes shall be assessed or levied.

One moiety of all sums arising on two folds shall belong to the listers, the other shall be for the use for which the tax was granted.

And the listers shall add the sum total of such two folds to the said general list, particularly entering such total of two folds, as a separate item, agreeably to the form of the list herein before prescribed.

Listers to add the sum total of the two folds to the general list.

XIII. And it is hereby further enacted, That the listers of the several towns shall return a

Listers to re-

turn a general list to the General Assembly, by the 15th day of October, with a certificate of their appointment.

Lifters neglecting to return the general list to pay a fine of 17 dol. to the treasury of the state.

Towns to be doomed where the general list is not returned or returned unsatisfactory.

No town to be doomed unless represented, without the list amounting to 3330 dol.

Towns divided or set off not to be exempted.

Lifters of towns unrepresented to send their general list

general list in the form as is herein before prescribed, to the general assembly, on or before the fifteenth day of October annually, with a certificate from a justice of the peace, or the town-clerk of the same town, respectively, certifying that they were duly sworn to the faithful discharge of their office and duty, previous to the fifth day of the preceding May.

And the lifters of every town who shall neglect to make return of such general list to the general assembly, as aforesaid, shall forfeit and pay to the treasurer of this state the sum of seventeen dollars, to be recovered in the name of the treasurer, by action of debt on this statute, before any court of competent jurisdiction.

XIV. *And it is hereby further enacted,* That if no return of a general list from any town, shall be made as before directed, or if the return be not satisfactory, such town shall be doomed in such sum as the general assembly in their discretion shall direct.

Provided always, That no town, unless the same be represented in the general assembly, shall be doomed to pay state taxes, until it shall appear to the legislature that the list of such town amounts to the sum of three thousand three hundred and thirty dollars.

Provided nevertheless, That the above proviso shall not be construed to extend to exempt any town which shall have been, or which may hereafter be taken off or divided from any other town or towns.

XV. *And it is hereby further enacted,* That it shall be the duty of the lifters of each organized town in this state, although such town shall not be represented in the

general assembly, to return to the secretary of the state, on or before the fifteenth day of October annually, a general list as aforesaid, of such town.

to the secretary of state.

And if the listers of any such town neglect or refuse to return such list, such town shall be liable to be doomed in the discretion of the legislature.

Listers of unrepresented towns neglecting to send their general list, their town liable to be doomed.

XVI. *And it is hereby further enacted,* That the said listers shall, some time in the month of October, annually, make out and deliver a particular and fair list of the polls, estate and property of the several inhabitants of their respective towns, certified under their hands, to the town clerks of their several towns, taking their receipts for the same, on penalty, severally of forfeiting and paying the sum of ten dollars to the treasury of such town, to be recovered by action of debt to be brought on this statute, by the treasurer of such town, before any court of competent jurisdiction.

Listers to make out a fair list in October, certified under their hands and delivered to the town clerk, taking a receipt for the same.

Penalty for neglecting, ten dollars to the treasury of the town.

XVII. *And it is hereby further enacted,* That for enabling listers to recover their moiety of taxes on two folds, as directed by this act, if any constable or collector of rates or taxes shall refuse or neglect to pay over any sum or sums of money accruing on such two folds, due to such listers after demand made, such listers may recover the same from such constable or collector in an action for monies had and received, brought on this statute, before any court of competent jurisdiction.

Listers empowered to recover their part of two folds from collectors.

XVIII. *And it is hereby further enacted,* That all places incorporated by the names of parishes, districts or other places, with town privileges, are hereby declared to be towns in the purview of this act.

Parishes, districts and other places to be considered as towns.

Acts repealed.

XIX. *And it is hereby further enacted,* That all acts and clauses of acts coming within the purview of this act, be, and the same are hereby repealed, and this act shall commence and be in force from and after the passing hereof.

Proviso.

Provided always, That this section shall not be construed to extend to or effect any acts or things done, rights accruing, or prosecutions commenced, under any former act or acts.

An Act relating to the office and duty of the Secretary of State.

Secretary of State to have a seal.

Device.

I. *It is hereby enacted by the General Assembly of the state of Vermont,* That the secretary of state shall be provided with a seal of his office, which seal shall have the same device as is on the seal of the state, with the word "Vermont," at the bottom of the seal, and with the words "Secretary of State," around the edge of said seal; and the secretary of state for the time being, is hereby directed to procure such seal, as soon as may be, at the expence of the state, and the same shall thereafter be and remain in the office of the secretary of state.

All acts, laws, papers & records (except the records and papers of council) to be lodged in the secretary of state's office.

II. *And it is hereby further enacted,* That all the acts, laws, papers and records belonging to this state, except the particular records and papers of the governor and council, shall be deposited and kept in the office of the secretary of state.

Secretary of State to keep a regular office.

And it shall be the duty of the secretary of state, at all times, to keep a regular and open office, for the transaction of the business of his office, and he shall attest and properly record

in proper books, to be by him kept for that purpose, at the expence of the state, all the acts and laws of this state, charters of incorporation, and all grants and charters of land made within this state, give copies of the same for reasonable fees when required, and shall do and perform all other acts and things proper for a secretary of state; and all copies of records, or other things belonging to his said office, by him attested, as secretary of state, with the seal of his said office thereto affixed, shall at all times be a sufficient authentication of the same, and full faith and credit shall be given to such authentication.

To attest and record laws, charters, &c.

To make copies when required.

Attested copies with the seal affixed to be authentic.

III. *And it is hereby further enacted,* That the secretary of state shall be duly sworn to the faithful discharge of his duty, and shall have power from time to time to appoint one or more deputies, as he shall think proper. for whole acts and doings he shall be responsible, and it shall be the duty of the said secretary of state to attend by himself, or by his deputy, every stated and adjourned session of the legislature, and on default thereof, shall forfeit and pay a fine not exceeding three hundred dollars, to be sued for and recovered in the name of the treasurer of the state, for the use of the state, together with costs, before the supreme court of judicature, by bill, plaint, or information.

Sec'y of state to be sworn.

Power to appoint deputies.

To attend the legislature at their stated and adjourned session or pay a fine.

IV. *And it is hereby further enacted,* That it shall be the duty of the secretary of state, to make all such statements in writing, as shall, from time to time be required of him by the legislature, or by the governor and council.

To make statements, when required by the legislature, or Governor and Council.

V. And whereas several grants of land,

LAWS OF VERMONT.

Preamble.

and charters of incorporation, have heretofore been attested and recorded by the Secretary to the Governor and Council, the record of which still remains in his office, and wheteas it is found convenient that the same should be lodged in the office of the Secretary of state—

Therefore.

Secretary of
state to call on
secretary of
council for re-
cords of char-
ters.

It is hereby further enacted, That it shall be the duty of the Secretary of state, as soon as may be after the passing of this act, to call on the Secretary to the governor and council for the book or books containing such records, and the Secretary to the governor and council is hereby directed to deliver over all such books and records to the Secretary of state, within two months after application made by the Secretary of state as aforesaid.

Copies of re-
cords attested by
the Secretary of
state, with the
seal affixed to be
admitted as evi-
dence in all
cases.

VI. And it is hereby further enacted, That all copies from the records of such charters and grants made by the Secretary of the governor and council as aforesaid, attested by the Secretary of state, with the seal of his office affixed, as is herein before provided by this act, shall be deemed a sufficient authentication of the record of the same, and shall be admitted as evidence of such charters and grants in any court within this state.

Passed March 3, 1797.

Attest, ROWELL HOPKINS, Sec'y.

TITLES OF PRIVATE ACTS.

passed October session, one thousand seven hundred and ninety-seven.

AN act assessing a tax of one half cent on each acre of land in the town of Williston.

Passed Nov. 9, 1797.

An act assessing a tax of three cents per acre on the towns of Ipswich and Coventry, for the purpose therein mentioned.

Passed Nov. 9, 1797.

An act directing the treasurer of this state to pay the selectmen of Shelburne, twenty-five dollars and forty-five cents.

Passed Nov. 8, 1797.

An act assessing a tax of two cents per acre on the town of Stirling, for the purpose therein mentioned.

Passed Nov. 8, 1797.

An act directing the sale of the real estate of Silas Ayleworth, a minor.

Passed Nov. 6, 1797.

An act assessing a tax of two cents per acre, on all the lands in the township of Derby, public rights excepted, for the purpose of making roads and building bridges in said township.

Passed Nov. 8, 1797.

An act in revival of an act entitled, "An act assessing a tax of two pence per acre on the lands in the township of Swanton, for

the purpose of making and repairing roads and building bridges," passed the eighth day of November, one thousand seven hundred and ninety six.

Passed Nov. 7, 1797.

An act appointing a collector of a land-tax in Fletcher.

Passed Nov. 8, 1797 :

An act granting a land tax on the township of Lincoln :

Passed Nov : 8, 1797 :

An act assessing a tax of one cent on each acre of land in Holland, for the purposes therein mentioned.

Passed Nov : 8, 1797—

An act in addition to, in alteration and in revival of an act, entitled " An act assessing a tax of two pence per acre on all the lands in the township of Highgate, in the county of Franklin, public rights excepted, for the purpose of making and repairing roads," which was passed the eighteenth of February, one thousand seven hundred and ninety seven—

Passed Nov : 6, 1797—

An act assessing a tax of three cents per acre on the township of Johnston, for the purpose therein mentioned—

Passed Nov : 1, 1797 :

An act in revival, and alteration of an act, entitled, " An act assessing a tax of one penny per acre on the township of Georgia, and two pence per acre on the township of St,

Albans, in the county of Franklin, for the purpose of making roads and building bridges in said town," passed the eighth day of October, A. D. one thousand seven hundred and ninety-six,

Passed Nov. 6, 1797—

An act assessing a tax of two cents per acre, on the lands in Enosburgh, for the purpose therein mentioned.

Passed Nov. 6, 1797.

An act in addition to, in alteration, and in revival of an act, entitled, "An act assessing a tax of one penny per acre on all the lands in the township of Colchester, in the county of Chittenden, for the purpose of making and repairing roads," passed February eighteenth, one thousand seven hundred and ninety-seven.

Passed Nov. 6, 1797—

An act for the revival and alteration of an act, "assessing a tax of one penny per acre on all the lands in the township of Hinesburgh in the county of Chittenden," passed November seventh, one thousand seven hundred and ninety six.

Passed Nov. 7, 1797.

An act to remit to Joseph Marks, of Wilmington in the county of Windham, part of a demand due from said Joseph to this state.

Passed Nov. 9, 1797.

An act assessing a tax of one cent on each

acre of land in the township of Fairhaven and Westhaven, for the purpose therein mentioned.

Passed Nov. 9, 1797.

An act appointing a collector of a land tax in Fairfield.

Passed Nov. 8, 1797.

An act assessing a tax of three cents per acre on the township of Orange, for the purpose of making roads and building bridges.

Passed Nov. 9, 1797.

An act granting to Samuel Cambell, a new trial in a cause therein mentioned.

Passed Nov. 9, 1797.

An act directing the treasurer to pay Elisha Clark, auditor of accounts against this state, fifty-two dollars for his services.

Passed Nov. 3, 1797.

An act assessing a tax of one and a half cents on each acre of land in Glover, for the purposes therein mentioned—

Passed Nov. 1, 1797.

An act assessing a tax of one cent and an half per acre, on the lands of Killington, for the purpose therein mentioned.

Passed Oct. 31, 1797.

An act assessing a tax of three cents per acre on that part of Goshen, lying between Wheelock and Walden, for the purpose therein mentioned.

Passed Oct. 28, 1797.

An act staying proceedings against Abel Stevens, for one year.

Passed Oct. 28, 1797.

An act for the revival of, and in addition to an act, entitled, "An act granting a tax of one penny half-penny on each acre of land in the township of Saltash, for the purpose therein mentioned," passed November eighth, one thousand seven hundred and ninety-six.

Passed Oct. 24, 1797.

An act assailing a tax of one cent and an half cent on each acre of land in Medway, in Rutland county.

Passed Oct. 24, 1797.

An act assailing a tax of three cents per acre, on the lands in the town of Barnet, for the purpose therein mentioned.

Passed Nov. 8, 1797.

An act assailing a tax of one cent and an half per acre, on all the lands in Danville, and that part of said Danville known by the name of Walden Gore for the purpose therein mentioned.

Passed Nov. 7, 1797.

An act assailing a tax of two cents on each acre of land, in that part of the town of Goshen which lies in the county of Addison.

Passed Nov. 4, 1797.

An act directing the treasurer to pay Benjamin Cady, twelve dollars, in hard money orders.

Passed Nov. 9, 1797.

An act empowering Samuel Wheat, administrator on the estate of Daniel Sabin, late of Putney, in the county of Windham, deceased, to sell all the real estate the said deceased died seized, and possessed of, the widow's dowry only excepted.

Passed Nov. 9, 1797.

An act liberating Roger Enos from imprisonment, under certain conditions.

Passed Oct. 23, 1797.

An act in addition to, in alteration, and in revival of an act, entitled, "An act assessing a tax of two pence per acre, on all the lands in the township of Milton, in the county of Chittenden, public rights excepted, for the purpose of making and repairing roads, &c. passed the seventh day of March, one thousand seven hundred and ninety seven.

Passed Nov. 6, 1797—

An act assessing a tax of two cents per acre on the lands in the town of Whiting, in the county of Addison.

Passed Nov. 8, 1797—

An act for paying Charles Bullis, the sum of eighty seven Dollars and fifty cents

Passed Oct. 24, 1797—

An act directing the treasurer of the state of Vermont, to pay the state's attornies and clerks of the supreme court, the several sums therein mentioned.

Passed Oct. 31, 1797—

an act for the revival and in amendment
of an act, entitled, "An act relating to a
tax of one penny per acre, on the lands in the
township of Craftsbury," passed November
seventh, one thousand seven hundred and
ninety-seven.

Passed Nov. 8, 1797.

An act in addition to an act, "affecting a
tax of two pence per acre on the town of
Craftsbury," passed October twenty-fourth,
one thousand seven hundred and eighty-
eight.

Passed Nov. 8, 1797.

An act empowering Damaris Harrington
to deed a certain tract of land in Middlesex
county of Chittenden.

Passed Oct. 31, 1797.

An act to authorize Oliver Kidder, to sell
the real estate of Tytus Preston, late of
Weathersfield, deceased.

Passed Oct. 30, 1797.

An act affecting a tax of three cents per
acre, on all the lands in the township of
Guildhall, Easthaver, Newark, and West-
more, and one cent and an half on Granby,
all in the county of Caledonia, for the pur-
pose of laying out and opening a road, from the
river road, in Guildhall, to the west line of
Westmore.

Passed Oct. 30, 1797.

An act empowering Silas Crosby, adminis-
trator on the estate of Jacob Crosby, late of
Hartford, in the county of Windham, deceased,
to sell all the real estate of said deceased.

Passed Nov. 3, 1797.

An act directing the treasurer of this state

to pay the selectmen of Stockbridge the sum therein mentioned—

Passed Nov : 8, 1797 :

An act directing the treasurer of this state to pay the selectmen of Northfield, sixty-six dollars and fifty-nine cents—

Passed Nov : 8, 1797 :

An act authorizing Reuben Bradley, to deed lands of Brown Jenks, a minor—

Passed Nov : 8, 1797 :

An act empowering Joel Foster and Jerusha Washburn, administrators on the estate of Daniel Washburn, deceased, to deed a certain one hundred acres of land—

Passed Nov : 8, 1797 :

An act granting to George Rees a new trial, in a certain case therein mentioned—

Passed Oct. 30, 1797 :

An act directing the treasurer of this state to pay to Elisha Hartbut the sum of one hundred and one dollars and twenty nine cents—

Passed Oct. 19, 1797 :

An act allowing the town of Braintree the sum of forty three dollars and four cents, out of the treasury of this state—

Passed Nov : 2, 1797 :

An act for the revival of, and in addition to an act, entitled, "An act allowing a tax of one penny per acre on the lands in the town of Braintree," passed November

eighty, one thousand seven hundred and
thirty—

Passed Oct: 20, 1797:

An act directing the treasurer to take se-
curity of Stephen Jacob and Benjamin Seb-
bani; in the case therein mentioned—

Passed Nov: 1, 1797.

An act directing the treasurer of this
state, to pay Lucius Hubbard the sum of
thirty four dollars and fifty four cents, it
being for money expended by him in behalf
of this state, and for the payment of which
no provision has been made by law—

Passed Nov: 1, 1797.

An act directing the treasurer to credit
Alexander Pennock, constable of Strafford,
the sum of thirty three dollars and forty
cents—

Passed Oct: 24, 1797.

An act imposing a tax of two and one half
cent per acre, on all the lands in the town-
ship of Andover, public rights excepted, for
the purpose therein mentioned—

Passed Nov: 1, 1797:

An act granting power to the administra-
tors of David Johnson, late of Chester, de-
ceased, to execute the debt therein mention-
ed—

Passed Nov: 6, 1797:

An act directing certain trustees to make
the conveyance and transfer therein men-
tioned—

Passed Nov: 6, 1797.

An act granting a tax of three cents on each acre of land in the township of Fairlee, in the county of Orange, for the purpose of building and repairing a bridge. Passed Feb. 11, 1797.

Passed Nov. 3, 1797.

An act appropriating Joseph Burke of St. Albans, collected of a tax on the town of Burke, in the county of Rutland, in the town of Oliver, Gallatin, and accepted accepting the appointment as Justice of the Peace.

Passed Oct. 20, 1797.

An act affecting a tax of three cents on each acre of land in the township of Stamford, in the county of Washington, for the purpose of building and repairing a bridge in said town, leading from Middleborough to Pownal.

Passed Nov. 3, 1797.

An act restoring Aaron Barlow to his law in a certain case therein mentioned.

Passed Oct. 20, 1797.

An act empowering Mr. Oliver and Ebenezer Grout, to sell certain lands in Warrenfield.

Passed Nov. 3, 1797.

An act giving the privilege to pay Samuel Hitchcock and Richard Whipple, clerks, the fees therein mentioned.

Passed Nov. 6, 1797.

An act allowing Cornelius Thorp and William Duncan the bounty for killing a growl.

Passed Nov. 6, 1797.

An act affecting a tax of four cents on each acre of land in the township of Town-

Passed Nov. 9, 1797. An act directing the treasurer of this state to pay to the selectmen of Northampton the sum of one hundred and thirty-six dollars and sixty-six cents.

Passed Nov. 9, 1797. An act suspending all prosecutions against Simon Hagar, junior, for three years.

Passed Nov. 9, 1797. An act directing the treasurer of this state to pay unto his honor Paul Brimble, esquire, lieutenant governor, the sum of one hundred and three dollars and sixty-six cents, for his expenses on election day.

Passed Nov. 9, 1797. An act directing the treasurer of this state to pay to the selectmen of Northampton the sum of fifteen dollars and sixty cents.

Passed Nov. 9, 1797. An act directing the treasurer of this state to pay the selectmen of Northampton the sum of one hundred and thirty-six dollars and sixty-six cents for the support of the poor.

Passed Nov. 9, 1797. An act directing the treasurer of this state to pay to the selectmen of Northampton the sum of one hundred and thirty-six dollars and sixty-six cents.

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